

**ORDER SUMMARY – Case Number: C-17-2145**

**Name(s):** Eastside Funding, LLC  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-17-2145-20-CO04  
 \_\_\_\_\_

**Effective Date:** 12/22/2020  
 \_\_\_\_\_

**License Number:** UL NMLS ID 1477998  
**Or NMLS Identifier [U/L]** \_\_\_\_\_

**License Effect:** n/a  
 \_\_\_\_\_  
 \_\_\_\_\_

**Not Apply Until:** n/a  
 \_\_\_\_\_

**Not Eligible Until:** n/a  
 \_\_\_\_\_

**Prohibition/Ban Until:** n/a  
 \_\_\_\_\_

<b>Investigation Costs</b>	\$ 20,000		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$ 40,000 (addition 40k stayed 2 years)	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Financial Literacy and Education</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Cost of Prosecution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



1 maintaining a license in accordance with the Act or meeting an exclusion from the Act under RCW  
2 31.04.025.

### 3 **AGREEMENT AND ORDER**

4 The Department and Respondent have agreed upon a basis for resolution of the Findings of  
5 Fact and Conclusions of Law identified in this Consent Order. Pursuant to RCW 31.04.093(7) and  
6 RCW 34.05.060, Respondent and the Department agree to entry of this Consent Order and further  
7 agree that the matters alleged herein may be economically and efficiently settled by the entry of this  
8 Consent Order.

9 Based upon the foregoing:

10 **A. Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the  
11 activities discussed herein.

12 **B. Waiver of Hearing.** It is AGREED that Respondent hereby waives any right it has to a hearing  
13 and any and all administrative and judicial review of the issues raised in this matter or the resolution  
14 reached herein.

15 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the matters  
16 alleged herein and AGREE that Respondent does not admit any wrongdoing by its entry. The parties  
17 further AGREE that this Consent Order does not constitute evidence or an admission regarding the  
18 existence or non-existence of any issue, fact, or violation of any law alleged by the Department.

19 **D. Consumer Loan License Required.** It is AGREED that Respondent understands that in  
20 order to make residential mortgage loans to Washington State residents, Respondent must obtain a  
21 consumer loan license under the Act or qualify for an exemption from licensing under the Act. It is  
22 further AGREED that Respondent shall not accept any applications for residential mortgage loans  
23 until such time as Respondent obtains a license under the Act or qualifies for an exemption from

1 licensing under the Act. It is further AGREED that Respondent will implement a training plan to  
2 ensure that Respondent's employees understand the licensing requirement of the Act and what  
3 conduct would constitute a violation of the Act.

4 **E. Fine (Partially Stayed).** It is AGREED that Respondent shall pay a fine to the Department in  
5 the amount of \$80,000. It is further AGREED that \$40,000 of the fine amount shall be stayed for two  
6 years from the date of this Consent Order unless the stay is lifted pursuant to Paragraph F of this  
7 Consent Order. The stayed fine shall expire without further action or notice by the Department if the  
8 Department does not seek to lift the stay and impose the stayed fine pursuant to Paragraph F.

9 **F. Lifting of Stay and Imposition of Stayed Fine.** It is AGREED that:

- 10 1. If, during the two-year period of the stay, the Department determines that Respondent  
11 has not complied with this Consent Order and the Department seeks to lift the stay and  
12 impose the stayed fine, the Department will first serve Respondent with a written  
13 notice of alleged noncompliance.
- 14 2. The notice will include:
  - 15 i. A description of the alleged noncompliance;
  - 16 ii. A statement that the Department seeks to lift the stay and impose the stayed  
17 fine;
  - 18 iii. Notice that Respondent can contest the notice of alleged noncompliance by  
19 either requesting an adjudicative hearing before an administrative law judge  
20 (ALJ) from the Office of Administrative Hearings or by submitting a written  
21 response to the Department contesting the alleged noncompliance; and
  - 22 iv. Notice that the process for lifting the stay applies only to this Consent Order.

3. Respondent has 20 days from the date of service of the notice of alleged noncompliance to submit a written request to the Department for an adjudicative hearing.
4. The scope and issues of the adjudicative hearing are limited solely to whether or not Respondent is in violation of the terms of this Consent Order.
5. At the conclusion of the adjudicative hearing, the ALJ will issue an initial decision. Any party may file a Petition for Review of that initial decision with the Director of the Department.
6. DEFAULT. If Respondent does not timely request an adjudicative hearing or submit a written response contesting the notice of alleged noncompliance, the Department may lift the stay and impose the stayed fine without further notice.

**G. Investigation Fee.** It is AGREED that Respondent shall pay an investigation fee to the Department in the amount of \$20,000. The non-stayed portion of the fine and the investigation fee shall be paid together in the form of one cashier's check for \$60,000, made payable to the "Washington State Treasurer" upon entry of this Consent Order.

**H. Complete Cooperation with the Department.** It is AGREED that, upon written request by the Department, Respondent shall provide the Department truthful and complete sworn statements outlining its activities with respect to all persons presently charged under Department case number C-17-2145. The sworn statements may take the form of affidavits, declarations, or deposition testimony, at the Department's discretion. A failure to cooperate fully, truthfully, and completely is a breach of this Consent Order. In addition to providing sworn statements, it is AGREED that, upon written request by the Department, Respondent shall cooperate fully, truthfully, and completely with the Department and provide any and all information known to it relating in any manner to all persons

1 presently charged under Department case number C-17-2145. It is further AGREED that, upon  
2 written request by the Department, Respondent shall provide any and all documents, writings or  
3 materials, or objects or things of any kind in its possession or under its care, custody, or control that it  
4 is authorized to possess, obtain, or distribute relating directly or indirectly to all persons presently  
5 charged under Department case number C-17-2145. It is further AGREED that, upon request,  
6 Respondent shall provide a management-level employee with speaking authority to testify fully,  
7 truthfully, and completely at any and all proceedings related to all persons presently charged under  
8 Department case number C-17-2145. A failure to cooperate fully, truthfully, and completely is a  
9 breach of this Consent Order.

10 **I. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to  
11 abide by the terms and conditions of this Consent Order may result in further legal action by the  
12 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director  
13 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

14 **J. Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this  
15 Consent Order, which is effective when signed by the Director's designee.

16 **K. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this  
17 Consent Order in its entirety and fully understands and agrees to all of the same.

18 **L. Records Retention.** It is AGREED that Respondent, its officers, employees, and agents shall  
19 maintain records in compliance with the Act and provide the Director with the location of the books,  
20 records and other information relating to Respondent's consumer loan business conducted prior to  
21 licensure, and the name, address and telephone number of the individual responsible for maintenance  
22 of such records in compliance with the Act.

1 **M. Authority to Execute Order.** It is AGREED that the undersigned authorized representative  
2 has represented and warranted that Brian Jessen has the full power and right to execute this Consent  
3 Order on behalf of Respondent.

4  
5 **RESPONDENT:**  
6 Eastside Funding, LLC  
7 By:

8 /s/  
9 Brian Jessen  
10 Co-Owner

December 15, 2020  
Date

11 **APPROVED FOR ENTRY:**  
12 By:

13 /s/  
14 Robert M. McKenna  
15 WSBA # 18327  
16 Attorney for Respondent

December 15, 2020  
Date

17  
18  
19  
20  
21  
22  
23  
24  
**DO NOT WRITE BELOW THIS LINE**

1 THIS ORDER ENTERED THIS 22nd DAY OF December, 2020.

2 /s/  
3 Lucinda Fazio, Director  
4 Division of Consumer Services  
5 Department of Financial Institutions

6 Presented by:

7 /s/  
8 KENNETH J. SUGIMOTO  
9 Financial Legal Examiner Supervisor

10 Approved by:

11 /s/  
12 STEVEN C. SHERMAN  
13 Enforcement Chief