

ORDER SUMMARY – Case Number: C-17-2221

Name(s): Ahmad Motasem Alafyouni

Order Number: C-17-2221-17-FO01

Effective Date: 09/26/17

License Number: NMLS #1522997

License Effect: Revoked

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$396.80	Due 10/26/17	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments:



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

AHMAD MOTASEM ALAFYOUNI,
NMLS# 1522997,

Respondent.

No.: C-17-2221-17-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington ("Director"), pursuant to RCW 34.05.440(2). On June 16, 2017, the Director, through her designee, Consumer Services Division Director Charles E. Clark, issued a Statement of Charges and Notice of Intent to Enter an Order to Revoke License, Collect Investigation Fee, and Recover Costs and Expenses ("Statement of Charges") against Ahmad Motasem Alafyouni ("Respondent"). On June 16, 2017, the Department of Financial Institution ("Department") served Respondent with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. The Statement of Charges was accompanied by a cover letter dated June 16, 2017, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent. On June 29, 2017, Respondent filed a request for an adjudicative hearing. On July 21, 2017, the Department made a request to the Office of Administrative Hearings ("OAH") to assign an Administrative Law Judge ("ALJ") to schedule and conduct a hearing on the Statement of Charges.

On August 1, 2017, OAH issued a Notice of Prehearing Conference assigning ALJ TJ Martin ("ALJ Martin") to preside over prehearing and hearing proceedings and issue an Initial Decision.

1 The Notice of Prehearing Conference scheduled a prehearing conference on Monday, August 21,
2 2017, at 1:00 p.m. That Notice stated: “**You must call in to the conference. If you fail to call in,**
3 **the administrative law judge may hold you in default and dismiss your appeal. RCW**
4 **34.05.440(2).**”

5 On August 21, 2017, ALJ Martin convened the prehearing conference at 1:00 p.m.
6 Respondent failed to appear and the Department moved for an order of default dismissing the
7 administrative appeal. On August 28, 2017, ALJ Martin issued an Order Dismissing Appeal, which
8 dismissed Respondent’s administrative appeal. On August 28, 2017, ALJ Martin sent the Order
9 Dismissing Appeal to Respondent via First-Class mail.

10 Pursuant to RCW 34.05.440(3), Respondent had seven (7) days from the date of service of the
11 Order Dismissing Appeal to file a written motion with OAH requesting that the Order Dismissing
12 Appeal be vacated, and stating the grounds relied upon. Respondent did not make a request to vacate
13 during the statutory period.

14 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had twenty (20) days from the
15 date of service of the Order Dismissing Appeal to file a Petition for Review of the Order Dismissing
16 Appeal. Respondent did not file a Petition for Review during the statutory period.

17 A. Record Presented. The record presented to the Director for her review and for entry of
18 a final decision included the following:

- 19 1. Statement of Charges, cover letter dated June 16, 2017, and Notice of Opportunity
20 to Defend and Opportunity for Hearing, with documentation of service.
- 21 2. Request for Adjudicative Hearing for Respondent.
- 22 3. Request to OAH for Assignment of Administrative Law Judge.
- 23 4. Notice of Prehearing Conference dated August 1, 2017, with documentation of
24 service.
5. Order Dismissing Appeal, dated August 28, 2017, with documentation of service.

1 B. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(2), the Director
2 hereby adopts the Statement of Charges, which is attached hereto.

3 II. FINAL ORDER

4 Based upon the foregoing, and the Director having considered the record and being otherwise
5 fully advised, NOW, THEREFORE:

6 A. IT IS HEREBY ORDERED, That:

- 7 1. Respondent Ahmad Motasem Alafyouni's license to conduct business of a Loan
8 Originator is revoked.
- 9 2. Respondent Ahmad Motasem Alafyouni shall pay to the Washington State
10 Department of Financial Institutions, within thirty (30) days of receipt of this
order, an investigation fee of Three Hundred Ninety Six Dollars and Eighty Cents
\$396.80.

11 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent Ahmad Motasem
12 Alafyouni has the right to file a Petition for Reconsideration stating the specific grounds upon which
13 relief is requested. The Petition must be filed in the Office of the Director of the Department of
14 Financial Institutions by courier at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S.
15 Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days of service of the
16 Final Order upon Respondent Ahmad Motasem Alafyouni. The Petition for Reconsideration shall not
17 stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking
18 judicial review in this matter.

19 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the
20 date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a
21 written notice specifying the date by which it will act on a petition.

22 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
23 effectiveness of this order. Any such requests should be made in connection with a Petition for
24 Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

1 D. Judicial Review. Respondent Ahmad Motasem Alafyouni has the right to petition the
2 superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW.
3 For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections
4 following.

5 E. Non-compliance with Order. If you do not comply with the terms of this order,
6 including payment of any amounts owed within thirty (30) days of receipt of this order, the
7 Department may seek its enforcement by the Office of the Attorney General to include the collection
8 of the fees imposed herein. The Department also may assign the amounts owed to a collection
9 agency for collection.

10 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
11 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
12 attached hereto.

13 DATED this 26th day of September, 2017.

14
15 STATE OF WASHINGTON
16 DEPARTMENT OF FINANCIAL INSTITUTIONS

17 /s/ _____
18 GLORIA PAPIEZ
19 Director
20
21
22
23
24

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
ELIGIBILITY for licensure under the Consumer
Loan Act of Washington by:

AHMAD MOTASEM ALAFYOUNI,
NMLS #1522997,

Respondent.

No.: C-17-2221-17-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO REVOKE LICENSE, COLLECT
INVESTIGATION FEE, and RECOVER
COSTS AND EXPENSES

INTRODUCTION

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to the Act, and based upon the facts available as of the date of this Statement of Charges, the Director, through her designee, Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Ahmad Motasem Alafyouni (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage loan originator (MLO) under the Act on or about September 12, 2016. While still licensed, Respondent's MLO license is currently inactive.

1.2 Felony Guilty Plea. On or about January 11, 2017, in the Cuyahoga County Court of Common Pleas in Ohio, Respondent pled guilty to two felony counts of drug possession.

1.3 On-Going Investigation. The Department's investigation into Respondent's conduct and alleged failure to meet the licensing requirements of the Act continues to date.

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Requirement of No Felony Guilty Plea.** Based on the Factual Allegations set forth in
3 Section I above, Respondent’s guilty plea is a fact or condition that clearly would have allowed the
4 Director to deny the application for Respondent’s original license if it had existed at the time of the
5 original application. Specifically, Respondent would have failed to meet the requirements of RCW
6 31.04.247(1)(d) and WAC 208-620-710(4)(c) by having pled guilty to a felony in a domestic court
7 during the seven-year period preceding the date of the application for licensing and registration.

8 **III. AUTHORITY TO IMPOSE SANCTIONS**

9 **3.1 Authority to Revoke Mortgage Loan Originator License.** Pursuant to RCW
10 31.04.093(3)(c), the Director may revoke a license issued under the Act if the Director finds that a
11 fact or condition exists that, if it had existed at the time of the original application for the license,
12 clearly would have allowed the director to deny the application for the original license.

13 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-
14 610(7), the Director may charge and collect an investigation fee calculated at \$69.01 per hour.

15 **3.3 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2), the Director
16 may recover the state’s costs and expenses for prosecuting violations of the Act.

17 **IV. NOTICE OF INTENT TO ENTER ORDER**

18 Respondent’s failure to meet the Act’s MLO licensing requirements, as set forth in the above
19 Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a
20 basis for the entry of an Order under RCW 31.04.093, RCW 31.04.145, RCW 31.04.165, RCW
21 31.04.205, and RCW 31.04.247. Therefore, it is the Director’s intent to ORDER that:

22 4.1 Respondent Ahmad Motasem Alafyouni’s license to conduct the business of a
23 mortgage loan originator license be revoked.

24 4.2 Respondent Ahmad Motasem Alafyouni pay an investigation fee. As of the date of this
Statement of Charges, the investigation fee totals \$396.80.

1
2 4.3 Respondent Ahmad Motasem Alafyouni pay the Department’s costs and expenses for
3 prosecuting violations of the Act in an amount to be determined at hearing or by
4 declaration with supporting documentation in event of default by Respondent.

5
6
7 **V. AUTHORITY AND PROCEDURE**

8 This Statement of Charges and Notice of Intent to Enter an Order to Revoke License, Collect
9 Investigation Fee, and Recover Costs and Expenses (Statement of Charges) is issued pursuant to the
10 provisions of RCW 31.04.093, RCW 31.04.145, RCW 31.04.165, RCW 31.04.202, and RCW
11 31.04.205, and is subject to the provisions of chapter 34.05 RCW, the Administrative Procedure Act.
12 Respondent may make a written request for a hearing as set forth in the NOTICE OF
13 OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this
14 Statement of Charges.

15 Dated this 16th day of June, 2017.

16
17 /s/
18 CHARLES E. CLARK
19 Director
20 Division of Consumer Services
21 Department of Financial Institutions

22 Presented by:

23 /s/
24 DREW STILLMAN
25 Financial Legal Examiner

Approved by:

/s/
STEVEN C. SHERMAN
Enforcement Chief