

# Terms Completed

## ORDER SUMMARY – Case Number: C-17-2315

**Name(s):** Inter-MC, Inc.  
Susan A. Ohanessian

**Order Number:** C-17-2315-18-CO01

**Effective Date:** 7/25/18

**License Number:** 57954, 72134  
**Or NMLS Identifier [U/L]**

**License Effect:**  
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**Not Apply Until:**  
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**Not Eligible Until:**  
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**Prohibition/Ban Until:**  
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<b>Investigation Costs</b>	\$ 900		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$ 5,000	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:**  
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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING:  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

No.: C-17-2315-18-CO01

CONSENT ORDER

INTER-MC, INC., NMLS # 57954, and  
SUSAN A. OHANESSIAN, Owner and  
Designated Broker, NMLS # 72134,

Respondents.

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COMES NOW the Director of the Department of Financial Institutions (Director), through her designee Charles E. Clark, Division Director, Division of Consumer Services, Inter-MC, Inc. (Respondent Inter-MC), and Susan A. Ohanessian (Respondent Ohanessian), Owner and Designated Broker of Respondent Inter-MC, and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

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**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-17-2315-18-SC01 (Statement of Charges), entered March 14, 2018, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges and agree that the Respondents do not admit any

1 wrongdoing by its entry. Respondents are agreeing not to contest the Statement of Charges in  
2 consideration of the terms of this Consent Order.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a  
7 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all  
8 administrative and judicial review of the issues raised in this matter, or of the resolution reached  
9 herein. Accordingly, Respondents, by their signatures below, withdraw their appeal to the Office of  
10 Administrative Hearings.

11 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the  
12 Statement of Charges and agree that Respondents do not admit to any wrongdoing by its entry.

13 **D. Compliance with the Act.** It is AGREED that Respondents shall comply with the Act  
14 and the associated rules found in chapter 208-660 WAC.

15 **E. Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount of  
16 \$5,000 upon entry of this Consent Order.

17 **F. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an  
18 investigation fee of \$900 upon entry of this Consent Order. The Fine and Investigation Fee may be  
19 paid together in one \$5,900 cashier's check made payable to the "Washington State Treasurer."

20 **G. Authority to Execute Order.** It is AGREED that the undersigned have represented and  
21 warranted that they have the full power and right to execute this Consent Order on behalf of the  
22 parties represented.



1 THIS ORDER ENTERED THIS 25<sup>th</sup> DAY OF July, 2018.

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3 /s/ \_\_\_\_\_  
4 CHARLES E. CLARK  
5 Director  
6 Division of Consumer Services  
7 Department of Financial Institutions

8 Presented by:

9 /s/ \_\_\_\_\_  
10 KENNETH J. SUGIMOTO  
11 Financial Legal Examiner Supervisor

12 Approved by:

13 /s/ \_\_\_\_\_  
14 STEVEN C. SHERMAN  
15 Enforcement Chief

1 **STATE OF WASHINGTON**  
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:  
5 INTER-MC, INC., NMLS # 57954 and  
SUSAN A. OHANESSIAN, Owner and  
6 Designated Broker, NMLS # 72134

No. C-17-2315-18-SC01

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

7 Respondents.

8 **INTRODUCTION**

9 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of  
10 Financial Institutions of the State of Washington (Director) is responsible for the administration of  
11 chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). After having conducted an  
12 investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of this  
13 Statement of Charges and Notice of Intent to Enter an Order to Suspend License, Impose Fine,  
14 Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges), the Director,  
15 through her designee, Division of Consumer Services Director Charles E. Clark, institutes this  
16 proceeding and finds as follows:

17 **I. FACTUAL ALLEGATIONS**

18 **1.1 Respondents.**

19 **A. Inter-MC, Inc. (Respondent Inter-MC)** was licensed by the Department of  
20 Financial Institutions of the State of Washington (Department) to conduct business as a mortgage  
21 broker on or about December 14, 1993, and continues to be licensed to date.

22 **B. Susan A. Ohanessian (Respondent Ohanessian)** is Owner and Designated Broker of  
23 Respondent Inter-MC. Respondent Ohanessian was named Designated Broker of Respondent on  
24 December 14, 1993, and continues to be Designated Broker to date. Respondent Ohanessian was

1 licensed by the Department to conduct business as a loan originator on or about January 1, 2007, and  
2 continues to be licensed to date.

3 **1.2 Examination.** From September 11, 2017 through September 13, 2017, the Department  
4 conducted an examination of Respondent Inter-MC's business practices for the period of June 1,  
5 2015, through August 31, 2017. The Department reviewed 25 loan files and found violations of the  
6 Act which include those set forth below. Respondent Ohanessian was designated broker for  
7 Respondent Inter-MC for each of the 25 loan files.

8 **1.3 Unlicensed Location.** Between June 1, 2015, and August 31, 2017, Respondent Inter-MC  
9 took at least 25 loan applications from a location that was not approved for a license by the  
10 Department.

11 **1.4 Disclosures.** In at least three loan files, Respondents failed to timely provide loan applicants  
12 with completed rate lock agreements. In at least 21 loan files, Respondents failed to provide loan  
13 applicants with privacy policy disclosures. In at least four loan files, Respondents failed to provide  
14 loan applicants with special information booklets. In at least two loan files, Respondents failed to  
15 timely provide loan applicants with consumer handbooks on adjustable rate mortgages. In at least  
16 three loan files, Respondents failed to provide loan applicants with Electronic Signatures in Global  
17 and National Commerce Act disclosures. In at least 18 loan files, Respondents failed to provide loan  
18 applicants with Equal Credit Opportunity Act disclosures.

19 **1.5 Reports.** Respondents failed to submit complete, accurate, and timely mortgage call reports  
20 to the Department for at least four quarters from the second quarter of 2015 through the fourth quarter  
21 of 2016. Respondents failed to submit complete, accurate, and timely annual financial condition  
22 reports to the Department for the fiscal years 2016 and 2017.

1 **1.6 Books and Records.** Respondents failed to maintain all books and records in a location that  
2 is on file with and readily available to the Department until at least three years have elapsed  
3 following the effective period to which the books and records relate.

4 **1.7 Anti-Money Laundering Program.** Respondents failed to develop and implement a written  
5 anti-money laundering program that is reasonably designed to prevent the loan or finance company  
6 from being used to facilitate money laundering or the financing of terrorist activities.

7 **1.8 On-Going Investigation.** The Department's investigation into the alleged violations of the  
8 Act by Respondents continues to date.

## 9 **II. GROUNDS FOR ENTRY OF ORDER**

10 **2.1 Responsibility for Conduct of Loan Originators.** Pursuant to RCW 19.146.245, a licensed  
11 mortgage broker is liable for any conduct violating the Act by the designated broker, a loan  
12 originator, or other licensed mortgage broker while employed or engaged by the licensed mortgage  
13 broker.

14 **2.2 Responsibility of Designated Broker.** Pursuant to RCW 19.146.200(3), every licensed  
15 mortgage broker must at all times have a designated broker responsible for all activities of the  
16 mortgage broker in conducting the business of a mortgage broker. A designated broker, principal, or  
17 owner who has supervisory authority over a mortgage broker is responsible for a licensee's,  
18 employee's, or independent contractor's violations of the Act if: the designated broker, principal, or  
19 owner directs or instructs the conduct or, with knowledge of the specific conduct, approves or allows  
20 the conduct; or the designated broker, principal, or owner who has supervisory authority over the  
21 licensed mortgage broker knows or by the exercise of reasonable care and inquiry should have known  
22 of the conduct, at a time when its consequences can be avoided or mitigated and fails to take  
23 reasonable remedial action.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
2 are in apparent violation of RCW 19.146.0201(2), (6), (11), and (16) for engaging in an unfair or  
3 deceptive practice toward any person, failing to make disclosures to loan applicants and  
4 noninstitutional investors as required by RCW 19.146.030 any other applicable state or federal law,  
5 failing to comply with state and federal laws applicable to the activities governed by the Act, and  
6 originating loans from any unlicensed location.

7 **2.4 Unlicensed Location.** Based on the Factual Allegations set forth in Section I above,  
8 Respondents are in apparent violation of RCW 19.146.265 and WAC 208-660-195 for engaging in  
9 the business of a mortgage broker from a location not licensed by the Department.

10 **2.5 Requirement to File Reports.** Based on the Factual Allegations set forth in Section I above,  
11 Respondents are in apparent violation of RCW 19.146.390 and WAC 208-660-400 for failing to file  
12 accurate and complete mortgage call reports and annual financial condition reports to the Department  
13 through the NMLS system on the dates and in a form prescribed by the Director or the NMLS.

14 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Based on the  
15 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW  
16 19.146.060 and WAC 208-660-450 for failing to keep all books and records in a location that is on  
17 file with and readily available to the Department until at least three years have elapsed following the  
18 effective period to which the books and records relate.

### 19 **III. AUTHORITY TO IMPOSE SANCTIONS**

20 **3.1 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4), the Director may  
21 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a  
22 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed  
23 mortgage broker or any person subject to licensing under the Act for any violation of the Act.

1 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
2 against a licensee, employees, independent contractors, agents of licensees, or other persons subject  
3 to the Act for any violation of the Act.

4 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-  
5 520(9) and (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per  
6 hour for an examiner's time devoted to an investigation.

7 **3.4 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director  
8 may recover the State's costs and expenses for prosecuting violations of the Act.

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

2 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,  
3 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
4 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and  
5 RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

6 **4.1** Respondent Inter-MC's license to conduct the business of a mortgage broker be  
7 suspended for a period of 30 days.

8 **4.2** Respondent Susan A. Ohanessian's license to conduct the business of a loan originator  
be suspended for a period of 30 days.

9 **4.3** Respondents Inter-MC and Susan A. Ohanessian jointly and severally pay a fine. As  
10 of the date of this Statement of Charges, the fine totals \$25,000.

11 **4.4** Respondents Inter-MC and Susan A. Ohanessian jointly and severally pay an  
12 investigation fee. As of the date of this Statement of Charges, the investigation fee  
13 totals \$900.

14 **4.5** Respondent Inter-MC maintain records in compliance with the Act and provide the  
15 Department with the location of the books, records and other information relating to  
16 Respondent Inter-MC's mortgage broker business, and the name, address and  
17 telephone number of the individual responsible for maintenance of such records in  
18 compliance with the Act.

19 **4.6** Respondents Inter-MC and Susan A. Ohanessian jointly and severally pay the  
20 Department's costs and expenses for prosecuting violations of the Act in an amount to  
21 be determined at hearing or by declaration with supporting documentation in event of  
22 default by Respondents Inter-MC and Susan A. Ohanessian.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW  
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter  
4 34.05 RCW (the Administrative Procedure Act). Respondents may make a written request for a  
5 hearing as set forth in the NOTICE OF OPPORTUNITY FOR ADJUDICATIVE HEARING AND  
6 TO DEFEND accompanying this Statement of Charges.

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8 Dated this 14<sup>th</sup> day of March, 2018.

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10 /s/ \_\_\_\_\_  
11 CHARLES E. CLARK  
12 Director  
13 Division of Consumer Services  
14 Department of Financial Institutions

15 Presented by:

16 /s/ \_\_\_\_\_  
17 KENNETH J. SUGIMOTO  
18 Financial Legal Examiner

19 Approved by:

20 /s/ \_\_\_\_\_  
21 STEVEN C. SHERMAN  
22 Enforcement Chief