

ORDER SUMMARY – Case Number: C-17-2338

Name(s): Zaynab Kadhem Zaer
Money Transfer Services Inc.

Order Number: C-17-2338-18-FO01

Effective Date: July 13, 2018

License Number or NMLS Identifier [U/L]: Zaynab Kadhem Zaer, NMLS #1443925
Money Transfer Services Inc., NMLS #1208131

License Effect:

Not Apply Until:

Not Eligible Until:

Prohibition/Ban Until: July 13, 2023

Investigation Costs	\$ 2,900.00	Due 7/13/18	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)	\$1,250.00	Due 7/13/18	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Financial Literacy and Education	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$	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**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Uniform Money Services Act of Washington by:

No.: C-17-2338-18-FO01

MONEY TRANSFER SERVICES, INC.,
NMLS #1443925; and ZAYNAB ZAER,
President, Owner, and Responsible Individual,
NMLS #1208131,

FINAL ORDER

Respondents.

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I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through her designee, Consumer Services Division Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On May 18, 2018, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, and Collect Unpaid Fees and Investigation Fee (Statement of Charges) against Money Transfer Services, Inc. and Zaynab Zaer (collectively, Respondents). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated May 21, 2018, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On May 21, 2018, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On May 23, 2018, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondents did not request an adjudicative hearing within twenty calendar days after the
2 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
3 in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for his review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated May 21,
6 2018, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for each Respondent, with documentation for service.

8 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
9 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

10 II. FINAL ORDER

11 Based upon the foregoing, and the Director's designee having considered the record and being
12 otherwise fully advised, NOW, THEREFORE:

13 A. IT IS HEREBY ORDERED, That:

- 14 1. Respondent Money Transfer Services, Inc. be prohibited from participation in the
15 conduct of the affairs of any money transmitter subject to licensing by the
16 Department, or any authorized delegate, or both, for a period of five years.
- 17 2. Respondent Zaynab Zaer be prohibited from participation in the conduct of the
18 affairs of any money transmitter subject to licensing by the Department, or any
19 authorized delegate, or both, for a period of five years.
- 20 3. Respondents Money Transfer Services, Inc. and Zaynab Zaer jointly and severally
21 pay the outstanding annual assessment and late fee in the amount of \$1,250.
- 22 4. Respondents Money Transfer Services, Inc. and Zaynab Zaer jointly and severally
23 pay an investigation fee in the amount of \$2,900.

24 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
must be filed in the Office of the Director of the Department of Financial Institutions by courier at

1 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
2 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
3 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
4 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

11 D. Judicial Review. Respondents have the right to petition the superior court for judicial
12 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
13 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

14 E. Non-compliance with Order. If Respondents do not comply with the terms of this
15 order, **including payment of any amounts owed within 30 days of receipt of this order**, the
16 Department may seek its enforcement by the Office of the Attorney General to include the collection
17 of the assessments, late penalties, fees, and costs imposed herein. The Department also may assign
18 the amounts owed to a collection agency for collection.

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

4 DATED this 13th day of July, 2018.

5 STATE OF WASHINGTON
6 DEPARTMENT OF FINANCIAL INSTITUTIONS

7 /s/
8 CHARLES E. CLARK
9 Director
10 Division of Consumer Services

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

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Uniform Money Services Act of Washington by:

NO. C-17-2338-18-SC01

MONEY TRANSFER SERVICES, INC.,
NMLS #1443925; and ZAYNAB ZAER, President,
Owner, and Responsible Individual, NMLS
#1208131,

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER
AN ORDER TO PROHIBIT FROM INDUSTRY,
IMPOSE FINE, AND COLLECT UNPAID FEES
AND INVESTIGATION FEE

Respondents.

INTRODUCTION

Pursuant to RCW 19.230.130 and RCW 19.230.310, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.230 RCW, the Uniform Money Services Act (Act). After having conducted an investigation pursuant to RCW 19.230.130 and WAC 208-690-180, 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 Respondents.

A. Money Transfer Services, Inc. (Respondent MTS) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct the business of a money transmitter on or about September 21, 2016. Respondent MTS's license expired on or about August 2, 2017. Respondent MTS was licensed to conduct business from its main office at 1912 240th Place SE, Bothell, WA 98021.

B. Zaynab Zaer (Respondent Zaer) was the President, Owner, and Responsible Individual of Respondent MTS.

1 **1.2 Failed to Pay Annual Assessment and to Timely File Annual Report.** Respondent MTS's
2 annual assessment and annual report were due to the Department by July 3, 2017. Respondents
3 submitted the annual report and a check for the annual assessment plus a late fee to the Department on
4 or about April 1, 2018. When the Department attempted to process the check, it was rejected for
5 insufficient funds. To date, Respondents have not paid the annual assessment.

6 **1.3 Prohibited Acts and Practices.**

7 **A.** On May 10, 2017, the Department sent a letter to Respondents to inform them that an
8 examination had been scheduled and that they needed to return documents and information by June
9 23, 2017. On June 27, 2017 and on July 12, 2017, the Department sent Respondents a letter informing
10 Respondents that they were required to submit the previously requested documents. To date,
11 Respondents have not produced the documents or information required by the Department to conduct
12 its examination process.

13 **B.** On or about July 3, 2017, Respondents failed to make a report or statement lawfully
14 required by the Director or other public official by failing to submit the annual report due at that time.

15 **1.4 Ongoing Investigation.** The Department's investigation of the alleged violations of the Act
16 by Respondents continues to date.

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

18 **2.1 Requirement to Pay Annual Assessment and to Timely File Annual Report.** Based on the
19 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW
20 19.230.110, WAC 208-690-090, and WAC 208-690-100 for failing to pay an annual assessment plus a
21 late fee and to timely file an annual report.

22 **2.2 Prohibited Acts and Practices.** Based on the Factual Allegations set forth in Section I above,
23 Respondents are in apparent violation of RCW 19.230.230(1)(b) for failing to cooperate with an
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1 examination by the Director and RCW 19.230.340(8) for failing to make any reports or statements
2 lawfully required by the Director or other public official.

3 III. AUTHORITY TO IMPOSE SANCTIONS

4 **3.1 Liability for Conduct of Others.** Pursuant to RCW 19.230.280, a licensee is liable for any
5 conduct violating the Act or rules adopted under the Act committed by employees of the licensee. The
6 Responsible Individual is responsible under the license and may be subjected to administrative
7 sanctions for any violations of the Act or rules adopted under the Act committed by the licensee.
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9 **3.2 Authority to Remove from Office or Prohibit from Industry.** Pursuant to RCW
10 19.230.230(1), the Director may issue an order to remove from office or prohibit from participation in
11 the affairs of any authorized delegate or any licensee, or both, any responsible individual, executive
12 officer, person in control, or employee of the licensee if the licensee violates the Act or the licensee does
13 not cooperate with an examination, investigation, or subpoena lawfully issued by the Director or the
14 Director's designee.

15 **3.3 Authority to Collect Annual Assessment.** Pursuant to RCW 19.230.110, WAC 208-690-
16 090, WAC 208-690-100, and WAC 208-690-140, the Director assesses a fee to each licensee based on
17 the amount of business conducted during the calendar year plus a late fee, if applicable.
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19 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.230.130(2), RCW 19.230.290,
20 RCW 19.230.320(1)(c) and (2), WAC 208-690-170, and WAC 208-690-180(2), the Department may
21 collect the costs of investigations. The fee will be calculated at the rate of \$75 per hour.

22 **3.5 Authority to Impose Fine and Costs.** Pursuant to RCW 19.230.290, the Director may assess
23 a civil penalty against a licensee, responsible individual, or other person that violates the Act or an
24 order issued under the Act, in an amount not to exceed \$100 per day for each day the violation is
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1 outstanding, plus this state's costs and expenses for the investigation and prosecution of the matter,
2 including reasonable attorneys' fees.

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

4 Respondents' violations of the provisions of chapter 19.230 RCW and chapter 208-690 WAC, as
5 set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry
6 of an Order under RCW 19.230.230, RCW 19.230.240, RCW 19.230.250, and RCW 19.230.340.

7 Therefore, it is the Director's intent to ORDER that:

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- 9 **4.1** Respondent Money Transfer Services, Inc. be prohibited from participation in the conduct
10 of the affairs of any money transmitter subject to licensing by the Department, or any
authorized delegate, or both, for a period of five years;
 - 11 **4.2** Respondent Zaynab Zaer be prohibited from participation in the conduct of the affairs of
12 any money transmitter subject to licensing by the Department, or any authorized delegate,
or both, for a period of five years;
 - 13 **4.3** Respondents Money Transfer Services, Inc. and Zaynab Zaer jointly and severally pay the
14 outstanding annual assessment and late fee in the amount of \$1,250;
 - 15 **4.4** Respondents Money Transfer Services, Inc. and Zaynab Zaer jointly and severally pay an
16 investigation fee, which as of the date of these charges totals \$2,900; and
 - 17 **4.5** Respondents Money Transfer Services, Inc. and Zaynab Zaer jointly and severally pay the
18 Department's costs and expenses for prosecuting violations of the Act in an amount to be
determined at hearing or by declaration with supporting documentation in the event of
default by Respondents.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intent to Enter an Order to Prohibit from Industry,
3 Impose Fine, and Collect Unpaid Fees and Investigation Fee (Statement of Charges) is entered
4 pursuant to the provisions of RCW 19.230.220 and RCW 19.230.310, and is subject to the provisions
5 of chapter 34.05 RCW (the Administrative Procedure Act). Respondents may make a written request
6 for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
7 FOR HEARING accompanying this Statement of Charges.
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10 Dated this 18th day of May, 2018.

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12 /s/
13 CHARLES E. CLARK
14 Director
15 Division of Consumer Services
16 Department of Financial Institutions

17 Presented by:

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19 /s/
20 DREW STILLMAN
21 Financial Legal Examiner

22 Approved by:

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24 /s/
25 STEVEN C. SHERMAN
Enforcement Chief