

**ORDER SUMMARY – Case Number: C-18-2586**

**Name(s):** Tamara Kristen Champagne

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**Order Number:** C-18-2586-19-CO02

**Effective Date:** 07/11/19

**License Number:** 304845

**Or NMLS Identifier [U/L]**

**License Effect:** none

\_\_\_\_\_

**Not Apply Until:** n/a

**Not Eligible Until:** n/a

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

<b>Investigation Costs</b>	\$ 500	Due before 08/31/19	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$ 1000	Due before 08/31/19	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Financial Literacy and Education</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Cost of Prosecution</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:	0		

**Comments:** C-18-2586-19-FO01 is withdrawn as if never entered.

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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  
Mortgage Broker Practices Act of Washington by:

No. C-18-2586-19-CO02

CONSENT ORDER

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TAMARA K. CHAMPAGNE,  
NMLS No. 304845,

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Richard St. Onge, Division of Consumer Services, Acting Division Director, and Tamara K. Champagne (Respondent), 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:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-18-2586-19-SC02 (Statement of Charges), entered April 11, 2019 (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, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees 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. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

1 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a  
5 hearing before an administrative law judge, and hereby waives her right to a hearing and any and all  
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached  
7 herein.

8 C. **Withdrawal of Final Order.** It is AGREED that Final Order C-18-2586-19-FO01 is  
9 withdrawn as if it were never entered.

10 D. **No Admission of Liability.** It is AGREED that Respondent neither admits nor denies  
11 any wrongdoing by entry of this Consent Order.

12 E. **Agreement to take Affirmative Action.** It is AGREED that Respondent will not enter  
13 into any referral agreement with real estate agents or any other settlement service provider in  
14 violation of the Real Estate Settlement Procedures Act. It is further AGREED that Respondent shall  
15 consult with the compliance officer of any Mortgage Broker or Consumer Loan company by which  
16 she may be employed before entering into any such agreement.

17 F. **Agreement to Comply with Advertising Laws.** It is AGREED that Respondent will  
18 comply with all relevant state and federal laws regulating advertising. It is FURTHER AGREED that  
19 Respondent shall consult with the compliance officer of any Mortgage Broker or Consumer Loan  
20 company by which she may be employed before advertising on the internet; including social media  
21 and other websites.

22 G. **Fine.** It is AGREED that Respondent shall pay a fine to the Department in the amount of  
23 \$5,000. It is FURTHER AGREED that \$4,000 of the fine will be stayed for a period of 12 months

1 from the date of this Consent Order and \$1,000 shall be paid (Paid Fine) as set forth in paragraph I,  
2 below. If the stay is not lifted within 12 months of this Consent Order, the stayed fine shall be  
3 waived without further action.

4 **H. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an  
5 investigation fee of \$500 as set forth in paragraph I, below.

6 **I. Method of Payment.** It is AGREED that Respondent shall pay the \$1,000 non-stayed  
7 fine and the Investigation fee no later than August 31, 2019, in the form of a single cashier's check  
8 made payable to the "Washington State Treasurer" and mailed to the address in the footer below.

9 **J. Lifting of Stay and Imposing Fine.** It is AGREED that:

- 10 1. If the Department determines that Respondent has not complied with this Consent  
11 Order, and the Department accordingly seeks to lift the stay and impose the stayed  
12 fine set forth above, the Department will first notify Respondent in writing of its  
13 determination.
- 14 2. The Department's notification will include:
  - 15 a) A description of the alleged noncompliance;
  - 16 b) A statement that because of the noncompliance, the Department seeks  
17 to lift the stay and impose the stayed fine;
  - 18 c) The opportunity for Respondent to contest the Department's  
19 determination of noncompliance in an administrative hearing before an  
20 Administrative Law Judge (ALJ) from the Office of Administrative  
21 Hearings; and
  - 22 d) A copy of this Consent Order. The notification and hearing process  
23 provided in this Consent Order applies only to this Consent Order. It is  
24 solely provided in the event Respondent chooses to contest the  
Department's determination of noncompliance.
3. Respondent will be afforded twenty (20) days from the date of receipt of the  
Department's notification to submit a written request to the Department for an  
administrative hearing.
4. The scope and issues of the hearing are limited solely to whether or not  
Respondent is in violation of this Consent Order.

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2 5. At the conclusion of the hearing, the ALJ will issue an initial decision. Either  
party may file a Petition for Review with the Director of the Department.

3 6. If Respondent does not request the hearing within the stated time, the Department  
4 will immediately impose the stayed fine and pursue whatever action it deems  
necessary to collect.

5 **K. Non-Compliance with Order.** It is AGREED that Respondent understand that failure to  
6 abide by the terms and conditions of this Consent Order may result in further legal action by the  
7 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director  
8 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

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

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

13 **N. Counterparts.** This Consent Order may be executed by the Respondent in any  
14 number of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall  
15 be deemed to be an original, but all of which, taken together, shall constitute one and the same  
16 Consent Order.

17 **RESPONDENT:**

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19 /s/ \_\_\_\_\_  
Tamara K. Champagne

July 10<sup>th</sup> 2019 \_\_\_\_\_  
Date

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23 **DO NOT WRITE BELOW THIS LINE**

1 THIS ORDER ENTERED THIS 11<sup>th</sup> DAY OF JULY, 2019.

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3 /s/ \_\_\_\_\_  
4 RICHARD ST. ONGE  
5 Acting Director  
6 Division of Consumer Services  
7 Department of Financial Institutions

8 Presented by:

9 /s/ \_\_\_\_\_  
10 STEVEN C. SHERMAN  
11 Enforcement Chief



1 **1.2 Examination.** In 2018, the Department conducted an examination of Clear Choice covering the  
2 period from July 1, 2016, through September 30, 2018 (the relevant period). The Report of Examination  
3 identified violations by Respondent Champagne of the Act, associated rules found in Chapter 208-66 of  
4 the Washington Administrative Code (WAC), and applicable federal laws and regulations. The  
5 Examination Unit referred the matter to the Enforcement Unit to address the violations.

6 **1.3** During the relevant period Respondent Champagne committed the below-listed violations:

7 **A. Referral Agreements.** Respondent Champagne, a former licensed real estate broker,  
8 entered into at least two prohibited referral fee agreements with real estate agents whereby  
9 Respondent Champagne provided, at no cost to the listing agents, Internet websites  
10 advertising specific properties for sale by those listing agents.

11 **B. Unlicensed Activity.** Respondent Champagne engaged in unlicensed MLO activity by  
12 originating, from locations not licensed by the Department, at least fifteen residential  
13 mortgage loans either for borrowers, or residential real estate, located in Washington. Clear  
14 Choice closed at least ten of those residential mortgage loans originated by Respondent  
15 Champagne from unlicensed locations.

16 **C. Internet Advertising.** On numerous Internet webpages, including social media pages and  
17 websites advertising specific residential real estate for sale, Respondent Champagne did not  
18 display all required information, omitting to disclose Clear Choice's name and NMLS  
19 number, her own NMLS number closely following her name, and/or a link to the NMLS  
20 consumer access web page for her sponsoring mortgage broker, Clear Choice.

21 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
22 Respondent Champagne continues to date.

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

20 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent  
21 Champagne is in apparent violation of RCW 19.146.0201(2) for directly or indirectly engaging in an  
22 unfair or deceptive practice toward any person, including by entering into prohibited referral fee  
23 agreements and advertising in violation of WAC 208-660-446.

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1 **2.2 Requirement to Comply with Applicable Federal Laws and Regulations.** Based on the Factual  
2 Allegations set forth in Section I above, Respondent Champagne is in apparent violation of RCW  
3 19.146.0201(11) by entering into prohibited referral fee agreements in violation of RESPA, 12 U.S.C.  
4 Sec. 2601 et seq., and Regulation X, 12 C.F.R. Part 1024.

5 **2.3 Unlicensed Locations.** Based on the Factual Allegations set forth in Section I above, Respondent  
6 Champagne is in apparent violation of RCW 19.146.0201(16) and WAC 208-660-300(4) for conducting  
7 business as a MLO from unlicensed locations and/or from locations other than those listed as Respondent  
8 Champagne's registered locations on NMLS.

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10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(3), the Director  
12 may issue orders directing any person subject to the Act to cease and desist from conducting business.

13 **3.2 Authority to Issue an Order to Take Affirmative Action.** Pursuant to RCW 19.146.220(3), the  
14 Director may issue orders directing any person subject to the Act to take affirmative action necessary to  
15 comply with the Act.

16 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose a fine of up  
17 to \$100 per day for each violation of the Act.

18 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520(9),  
19 WAC 208-660-520(11), and WAC 208-660-550(4)(a), the Department may charge forty-eight dollars per  
20 hour for an examiner's time devoted to an investigation.

21 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director may  
22 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 Respondent Champagne’s violations of the provisions of the Act and WAC 208-660, as set forth in  
3 the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute  
4 a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223.

5 Therefore, it is the Director’s intent to ORDER that:

6 **4.1** Respondent Tamara K. Champagne cease and desist:

- 7 **A.** Entering into or participating in referral fee agreements with real estate agents  
8 or any other settlement service provider in violation of RESPA; and
- 9 **B.** Advertising on the Internet, including on social media or other websites,  
without providing all disclosures required by the Act and WAC 208-660.

10 **4.2** Respondent Tamara K. Champagne take remedial affirmative action as is necessary to  
11 comply with the Act going forward, including by implementing appropriate corrective  
measures to the satisfaction of the Consumer Services Division Examination Unit.

12 **4.3** Respondent Tamara K. Champagne pay a fine. As of the date of these Charges, the fine  
13 totals \$10,000.

14 **4.4** Respondent Tamara K. Champagne pay an investigation fee. As of the date of these  
Charges, the investigation fee totals \$500.

15 **4.5** Respondent Tamara K. Champagne pay the Department’s costs and expenses for  
16 prosecuting violations of the Act in an amount to be determined at hearing or by declaration  
with supporting documentation in event of default.

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18 **V. AUTHORITY AND PROCEDURE**

19 The Department enters this Statement of Charges pursuant to the provisions of RCW 19.146.220,  
20 RCW 19.146.221, RCW 19.146.223, and RCW 19.146.230, and subject to the provisions of the  
21 Administrative Procedure Act, RCW 34.05. Respondent may make a written request for a hearing as set

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1 forth in the NOTICE OF OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND  
2 accompanying these Charges.

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4 Dated this 11th day of April 2019.

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7 /s/  
8 RICHARD ST. ONGE  
9 Acting Division Director  
10 Division of Consumer Services  
11 Department of Financial Institutions

12 Presented by:

13 Approved by:

14 /s/  
15 ANTHONY W. CARTER  
16 Senior Legal Examiner  
17 Department of Financial Institutions  
18 Division of Consumer Services

19 /s/  
20 STEVEN C. SHERMAN  
21 Enforcement Chief  
22 Department of Financial Institutions  
23 Division of Consumer Services