

ORDER SUMMARY – Case Number: C-19-2625

Name(s): Aperture Real Estate Ventures, LLC
 Andrew Hubbard Jewett (1338276)
 Rodolfo Cortes, Jr. (1651176)
 Matthew Bureau Miles (1125081)

Order Number: C-19-2625-19-CO01

Effective Date: 8/13/19

License Number: CL-1644816
Or NMLS Identifier [U/L]

License Effect: Surrender

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$ 2,325.63		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 8/2/19
Fine	\$ 5,000.00	Due 8/1/21	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date \$674.37 paid 8/2/19. Balance due \$4325.63 in monthly payments of \$180.34 beginning 9/1/19.
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
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: _____

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

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

No.: C-19-2625-19-CO01

CONSENT ORDER

7 APERTURE REAL ESTATE VENTURES, LLC,
8 NMLS # 1644816,
9 ANDREW HUBBARD JEWETT, Control
10 Person, Executive Officer, and Direct Owner,
11 NMLS # 1338276,
12 RODOLFO CORTES, JR., Control Person,
13 Executive Officer, and Direct Owner, NMLS #
14 1651176, and
15 MATTHEW BURAU MILES, Control Person,
16 Executive Officer, and Direct Owner, NMLS #
17 1125081,

Respondents.

18 COMES NOW the Director of the Department of Financial Institutions (Director), through
19 his designee Richard St. Onge, Division of Consumer Services, Acting Division Director, and
20 Aperture Real Estate Ventures, LLC; Andrew Hubbard Jewett, Control Person, Executive Officer,
21 and Direct Owner; Rodolfo Cortes, Jr., Control Person, Executive Officer, and Direct Owner; and
22 Matthew Burau Miles, Control Person, Executive Officer, and Direct Owner (Respondents); and
23 finding that the issues raised in the above-captioned matter may be economically and efficiently
24 settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter
31.04 of the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative
Procedure Act, based upon the following:

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

1 No. C-19-2625-19-SC01 (Statement of Charges), entered March 21, 2019 (copy attached hereto).
2 Pursuant to chapter 31.04 RCW, the Consumer Loan Act (Act), and RCW 34.05.060 of the
3 Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent
4 Order and further agree that the issues raised in the above-captioned matter may be economically and
5 efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully
6 resolve the Statement of Charges. Respondents are agreeing not to contest the Statement of Charges
7 in consideration of the terms of this Consent Order.

8 Based upon the foregoing:

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

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

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

18 **D. Consumer Loan Company License Surrender.** It is AGREED that Respondents
19 willingly surrendered their Consumer Loan Company License as of April 16, 2019.

20 **E. Fine.** It is AGREED and ORDERED that Respondents shall jointly and severally pay a
21 Fine to the Department in the amount of \$5,000.00 upon entry of this Consent Order, pursuant to
22 Paragraph G, below.

1 **F. Investigation Fee.** It is AGREED and ORDERED that Respondents shall jointly and
2 severally pay to the Department an Investigation Fee of \$2,325.63 upon entry of this Consent Order,
3 pursuant to Paragraph G, below.

4 **G. Payments.** It is AGREED and ORDERED that payment of \$674.37 of the \$5,000.00
5 Fine, along with the \$2,325.63 Investigation Fee, shall be made by one \$3,000.00 cashier's check
6 made payable to the "Washington State Treasurer" delivered to the Department with Respondents'
7 fully executed copy of this Consent Order. It is FURTHER AGREED and ORDERED that
8 beginning on September 1, 2019, and continuing for 24 months until the \$4,325.63 balance of the
9 Fine is paid in full, Respondents shall commence making monthly payments of \$180.23 to the
10 Department, in the form of cashier's checks made payable to the "Washington State Treasurer." It is
11 FURTHER AGREED and ORDERED Respondents' final payment of \$180.34 shall be paid to the
12 Department, in the form of a cashier's check made payable to the "Washington State Treasurer" on or
13 before August 1, 2021.

14 **H. Records Retention.** It is AGREED that Respondents, its officers, employees, and agents
15 shall maintain records in compliance with the Act and provide the Director with the location of the
16 books, records, and other information relating to Respondents' consumer loan company business, and
17 the name, address, and telephone number of the individual responsible for maintenance of such
18 records in compliance with the Act.

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

22 **J. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to
23 abide by the terms and conditions of this Consent Order may result in further legal action by the

1 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director
2 for the cost incurred in pursuing such action, including, but not limited to, attorney fees.

3 **K. Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this
4 Consent Order, which is effective when signed by the Director's designee.

5 **L. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read
6 this Consent Order in its entirety and fully understand and agree to all of the same.

7 **M. Counterparts.** This Consent Order may be executed by the Respondents in any number
8 of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall be
9 deemed to be an original, but all of which, taken together, shall constitute one and the same Consent
10 Order.

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RESPONDENTS:

Aperture Real Estate Ventures, LLC,
Andrew Hubbard Jewett,
Rodolfo Cortes, Jr., and
Matthew Burau Miles
By:

/s/ _____

Andrew Hubbard Jewett
Control Person, Executive Officer, and Direct Owner

7/31/2019 _____

Date

/s/ _____

Rodolfo Cortes, Jr.
Control Person, Executive Officer, and Direct Owner

Date

/s/ _____

Matthew Burau Miles
Control Person, Executive Officer, and Direct Owner

8/1/2019 _____

Date

/s/ _____

Andrew Hubbard Jewett
Individually

7/31/2019 _____

Date

/s/ _____

Rodolfo Cortes, Jr.
Individually

Date

/s/ _____

Matthew Burau Miles
Individually

8/1/2019 _____

Date

Approved for Entry:

/s/ _____

David Spellman, WSBA No. 15884
Attorney for Respondents

6 August 2019 _____

Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 13th DAY OF August, 2019.

/s/
RICHARD ST. ONGE
Acting Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

Presented by:

/s/
BARBARA J. PENTTILA
Financial Legal Examiner Supervisor

/s/
AMANDA B. STARNES
Financial Legal Examiner

Approved by:

/s/
STEVEN C. SHERMAN
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
Consumer Loan Act of Washington by:

5 APERTURE REAL ESTATE VENTURES,
6 LLC, NMLS # 1644816,
ANDREW HUBBARD JEWETT, Control
7 Person, Executive Officer, and Direct Owner,
NMLS # 1338276,
8 RODOLFO CORTES, JR., Control Person,
Executive Officer, and Direct Owner, NMLS #
1651176, and
9 MATTHEW BURAU MILES, Control Person,
Executive Officer, and Direct Owner, NMLS #
10 1125081,

11 Respondents.

No.: C-19-2625-19-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO REVOKE LICENSE, PROHIBIT
FROM INDUSTRY, IMPOSE FINE, FILE
ANNUAL REPORTS, COLLECT ANNUAL
ASSESSMENTS, ASSESS LATE
PENALTIES, COLLECT INVESTIGATION
FEE, and RECOVER PROSECUTION
COSTS AND EXPENSES

12 **INTRODUCTION**

13 Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial
14 Institutions of the State of Washington (Director) is responsible for the administration of chapter
15 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to
16 31.04.145, and based on the facts available as of the date of this Statement of Charges, the Director,
17 through her designee, Division of Consumer Services Director Charles Clark, institutes this
18 proceeding and finds as follows:

19 **I. FACTUAL ALLEGATIONS**

20 **1.1 Respondents.**

21 **A. Respondent Aperture Real Estate Ventures, LLC** was licensed by the Department
22 of Financial Institutions of the State of Washington (Department) to conduct business as a consumer
23 loan company on or about May 17, 2018. Respondent Aperture Real Estate Ventures, LLC's license

1 expired on or about March 1, 2019. Respondent Aperture Real Estate Ventures, LLC was licensed to
2 conduct business as a consumer loan company at 1730 E Holly Avenue, Suite 115, El Segundo, CA
3 90245.

4 **B. Respondent Andrew Hubbard Jewett** is known to be a Control Person, Executive
5 Officer, and Direct Owner of Respondent Aperture Real Estate Ventures, LLC.

6 **C. Respondent Rodolfo Cortes, Jr.** is known to be a Control Person, Executive Officer,
7 and Direct Owner of Respondent Aperture Real Estate Ventures, LLC.

8 **D. Respondent Matthew Burau Miles** is known to be a Control Person, Executive
9 Officer, and Direct Owner of Respondent Aperture Real Estate Ventures, LLC.

10 **1.2 Failure to Maintain Bond.** On or about November 19, 2018, the Department received a
11 notice that Respondents' surety bond from Washington International Insurance Co. would be
12 canceled effective forty-five days after the Department's receipt of the notice. From about January 4,
13 2019, through the date of this Statement of Charges, Respondents have not maintained a surety bond
14 or permitted substitute.

15 **1.3 Failure to Respond to Department's Directives.**

16 **A.** On or about December 21, 2018, the Department's Licensing Unit contacted
17 Respondents by telephone and email regarding the bond cancellation notice received by the
18 Department. The Department gave Respondents until January 4, 2019, to respond. Respondents did
19 not provide a response.

20 **B.** On or about February 1, 2019, the Department's Enforcement Unit delivered, via
21 overnight mail and FedEx, a Directive to Respondents' last known business address 1730 E. Holly
22 Avenue, Suite 115, El Segundo, CA 90245. The Department gave Respondents until February 18,
23 2019, to respond. Respondents did not provide a response.

1 C. On or about March 7, 2019, the Department's Enforcement Unit delivered, via
2 overnight mail and FedEx, a second Directive to Respondents' last known business address 1730 E.
3 Holly Avenue, Suite 115, El Segundo, CA 90245. The Department gave Respondents until March
4 15, 2019, to respond. Respondents contacted the Department on March 15, 2019, however,
5 Respondents failed to provide a complete response to the Department's Directive.

6 **1.4 Failure to File Reports.**

7 A. A Consolidated Annual Report (CAR) and an Annual Assessment Report (AAR),
8 concerning the business and operations of each licensed place of business for business conducted
9 during the preceding calendar year, are due to the Department on or before March 1 of each year or
10 within thirty days of ceasing operations. As of the date of the Statement of Charges, Respondents
11 have not filed a CAR or an AAR for 2018, which were due to the Department on or before March 1,
12 2019. If Respondents have closed, they did not file a closing CAR and AAR within thirty days of
13 closure.

14 B. Mortgage Call Reports (MCR) are due to the Department quarterly. As of the date of
15 this Statement of Charges, Respondents have failed to timely file 2018 quarterly MCRs for quarter
16 three, which was due November 15, 2018, and quarter four, which was due February 15, 2019.

17 **1.5 Failure to Pay Annual Assessment.** Payment of an annual assessment, as calculated in the
18 AAR, is due to the Department on or before March 1 of each year or within thirty days of closure. As
19 of the date of this Statement of Charges, Respondents have not paid the annual assessment for 2018.
20 If Respondents have closed, they did not pay a closing annual assessment within thirty days of
21 closure.

22 **1.6 Failure to Notify Department of Significant Developments.** As discussed in paragraph 1.2,
23 Respondents' surety bond was cancelled in January 2019. As of the date of this Statement of

1 Charges, Respondents have not notified the Department of Respondents' surety bond cancellation. If
2 Respondents have closed, Respondents have not notified the Department of the closure as of the date
3 of this Statement of Charges.

4 **1.7 On-Going Investigation.** The Department's investigation into the alleged violations of the
5 Act by Respondents continues to date.

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

7 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in
8 Section I above, Respondents are in apparent violation of RCW 31.04.045(4) for failing to maintain
9 in effect a surety bond or permitted substitute.

10 **2.2 Requirement to Respond to Department's Directive.** Based on the Factual Allegations set
11 forth in Section I above, Respondents are in apparent violation of RCW 31.04.145 for failing to
12 respond to the Department Directives.

13 **2.3 Requirement to File Reports.** Based on the Factual Allegations set forth in Section I above,
14 Respondents are in apparent violation of RCW 31.04.155, WAC 208-620-430(1), WAC 208-620-
15 460(1), and WAC 208-620-499(2) for failing to file a CAR and an AAR on or before March 1, 2019,
16 or within thirty days of closure. Respondents are also in apparent violation of RCW 31.04.277, RCW
17 31.04.155, and WAC 208-620-440 for failing to timely file 2018 quarterly MCRs for quarter three,
18 which was due November 15, 2018, and quarter four, which was due February 15, 2019.

19 **2.4 Requirement to Pay Annual Assessment.** Based on the Factual Allegations set forth in
20 Section I above, Respondents are in apparent violation of RCW 31.04.085, WAC 208-620-430(1),
21 WAC 208-620-460(1), and WAC 208-620-499(2) for failing to pay an annual assessment, as
22 calculated on the AAR, to the Director on or before March 1, 2019, or within thirty days of closure.
23

1 **2.5 Requirement to Report Significant Developments.** Based on the Factual Allegations set
2 forth in Section I above, Respondents are in apparent violation of RCW 31.04.027(1) and WAC 208-
3 620-490(2)(c) for failing to notify the Department in NMLS at least ten days prior to closure, and
4 RCW 31.04.027(1) and WAC 208-620-490(3)(d) for failing to notify the Department in writing
5 within ten days of receipt of a notification of Respondents' surety bond cancellation.

6 **III. AUTHORITY TO IMPOSE SANCTIONS**

7 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3) and (b), the Director may revoke
8 a license for failure to pay any fee due to the state of Washington, failure to maintain the required surety
9 bond, failure to comply with any specific order or demand, or failure to comply with any directive,
10 order, or subpoena issued by the Director under the Act.

11 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6), the Director may
12 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
13 licensee, any officer, principal, employee, or any person subject to licensing under the Act for any
14 violation of RCW 31.04.155.

15 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of
16 up to \$100 per day per violation upon the licensee, its employee, or any person subject to the Act for
17 any violation of the Act.

18 **3.4 Authority to Order Affirmative Action.** Pursuant to RCW 31.04.093(5), the Director may
19 issue an order directing the licensee, its employee or loan originator, or other person subject to the
20 Act, to take such affirmative action as is necessary to comply with the Act.

21 **3.5 Authority to Collect Annual Assessment.** Pursuant to RCW 31.04.085 and WAC 208-620-
22 430, every licensee shall pay to the Director, on or before the first day of each March or within thirty
23 days of ceasing Washington operations, an annual assessment for the previous calendar year if the

1 licensee had a license for any time during the preceding calendar year. Pursuant to RCW 43.17.240,
2 interest at the rate of one percent per month, or fraction thereof, shall accrue on debts owed to the state,
3 starting on the date the debts become past due.

4 **3.6 Authority to Assess Late Report Penalties.** Pursuant to RCW 31.04.155 and WAC 208-620-
5 430(2), a licensee that fails to file a report that is required to be filed by the Act, within the time frame
6 required under the Act, is subject to a penalty of \$50 per item for each day of delay. The maximum late
7 penalty that will be assessed is \$5,000 per year.

8 **3.7 Authority to Charge an Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-
9 620-610, every licensee investigated by the Director or the Director's designee shall pay to the Director
10 the costs of the investigation, calculated at the rate of \$69.01 per staff hour spent on the investigation.

11 **3.8 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2), the Director
12 may recover the state's costs and expenses for prosecuting violations of the Act.

13 IV. NOTICE OF INTENTION TO ENTER ORDER

14 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as set
15 forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions,
16 constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and RCW
17 31.04.205. Therefore, it is the Director's intention to ORDER that:

- 18 **4.1** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
19 Cortes, Jr., and Matthew Burau Miles license to conduct the business of a consumer loan
company be revoked.
- 20 **4.2** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
21 Cortes, Jr., and Matthew Burau Miles be prohibited from participation in the conduct of
22 the affairs of any consumer loan company subject to licensure by the Director, in any
manner, for a period of five years.
- 23 **4.3** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
Cortes, Jr., and Matthew Burau Miles jointly and severally pay a fine, which as of the
24 date of this Statement of Charges totals \$20,000.

- 1 **4.4** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
2 Cortes, Jr., and Matthew Burau Miles provide the Department with a complete CAR
3 and a complete AAR, including all required supporting documentation, for the 2018
4 calendar year and for the calendar year in which Respondent Aperture Real Estate
5 Ventures, LLC ceased operations.
- 6 **4.5** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
7 Cortes, Jr., and Matthew Burau Miles provide the Department with complete Mortgage
8 Call Reports for quarter four of 2018.
- 9 **4.6** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
10 Cortes, Jr., and Matthew Burau Miles jointly and severally pay an annual assessment for
11 the 2018 calendar year and for the calendar year in which Respondents Aperture Real
12 Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo Cortes, Jr., and Matthew
13 Burau Miles closed, as calculated in accordance with the instructions for the AAR for
14 each of those years, plus all accrued interest, or in an amount to be determined by
15 declaration with supporting documentation in the event of default by Respondents.
- 16 **4.7** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
17 Cortes, Jr., and Matthew Burau Miles jointly and severally pay a \$5,000 penalty for
18 failing to timely file a CAR and an AAR for the 2018 calendar year, failing to file timely
19 MCRs for quarter three and quarter four of 2018, and failing to file a closing CAR and
20 AAR within 30 days of ceasing operations.
- 21 **4.8** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
22 Cortes, Jr., and Matthew Burau Miles jointly and severally pay the Department an
23 investigation fee. As of the date of this Statement of Charges, the investigation fee totals
24 \$2,325.63.
- 4.9** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
 Cortes, Jr., and Matthew Burau Miles jointly and severally pay the 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 event of default by
 Respondents.
- 4.10** Respondents Aperture Real Estate Ventures, LLC, Andrew Hubbard Jewett, Rodolfo
 Cortes, Jr., and Matthew Burau Miles maintain records in compliance with the Act and
 provide the Department with the location of the books, records and other information
 relating to Respondents' consumer loan business, and the name, address, and
 telephone number of the individual responsible for maintenance of such records in
 compliance with the Act.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement Of Charges and Notice Of Intention To Enter An Order To Revoke License,
3 Prohibit From Industry, Impose Fine, File Annual Reports, Collect Annual Assessments, Assess Late
4 Penalties, Collect Investigation Costs, and Recover Prosecution Costs and Expenses (Statement of
5 Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202,
6 and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative
7 Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE
8 OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
9 Statement of Charges.

10 Dated this 21st day of March, 2019.

11
12 /s/
13 CHARLES E. CLARK
14 Director
15 Division of Consumer Services
16 Department of Financial Institutions

17 Presented by:

Presented by:

18 /s/
19 BARBARA J. PENTTILA
Financial Legal Examiner Supervisor

/s/
AMANDA B. STARNES
Financial Legal Examiner

20 Approved by:

21
22 /s/
23 STEVEN C. SHERMAN
Enforcement Chief