

ORDER SUMMARY – Case Number: C-19-2790

Name(s): Reymundo James Rodriguez

Order Number: C-19-2790-20-CO01

Effective Date: April 15, 2020

License Number: 995029
Or NMLS Identifier [U/L] _____

License Effect: N/A

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: April 15, 2023

| | | | | |
|---|--------------------|------------------|--|------|
| Investigation Costs | \$ 610 | Due See below | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
| Fine | \$ 3000 | Due STAYED | Paid <input type="checkbox"/> Y <input checked="" 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 |
| 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: Mr. Rodriguez is on a payment plan. He has paid \$110 of the investigation cost thus far. Starting June 1, 2020, Mr. Rodriguez will make monthly payments of \$100, until the remaining \$500 balance is paid in full on October 1, 2020.

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 his 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. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of
8 Administrative Hearings.

9 C. **Cease and Desist.** It is AGREED that Respondent will cease and desist from any and all
10 violations of the Act.

11 D. **Prohibition from Industry.** It is AGREED that, for a period of three (3) years from the
12 date of entry of this Consent Order, Respondent is prohibited from participating, in any capacity, in
13 the conduct of the affairs of any mortgage broker or consumer loan company licensed by the
14 Department or subject to licensure or regulation by the Department.

15 E. **Fine and Stayed Fine.** It is AGREED and ORDERED that Respondent shall pay a fine
16 to the Department in the amount of \$3,000.00. It is FURTHER AGREED that \$3,000.00 of the fine
17 shall be stayed (Stayed Fine) during the prohibition period as stated in Paragraph D. It is FURTHER
18 AGREED that the stay may be lifted and the Stayed Fine imposed in accordance with the terms stated
19 in Paragraph F.

20 F. **Lifting of Stay and Imposing Stayed Fine.** It is AGREED that:

- 21 1. If the Department determines that Respondent has not complied with the
22 terms of this Consent Order to a degree sufficient to warrant imposition
23 of the Stayed Fine, and the Department accordingly seeks to lift the stay
and impose the Stayed Fine set forth in Paragraph E above, the
Department will first notify Respondent in writing of its determination.

- 1 2. The Department’s notification will include:
- 2 a) A description of the alleged noncompliance;
- 3 b) A statement that because of the noncompliance, the Department
- 4 seeks to lift the stay and impose the Stayed Fine;
- 5 c) The opportunity for Respondent to contest the Department’s
- 6 determination of noncompliance in an administrative hearing
- 7 before an Administrative Law Judge (ALJ) of the Office of
- 8 Administrative Hearings (OAH); and
- 9 d) A copy of this Consent Order. The notification and hearing
- process provided in this Consent Order applies only to this
- Consent Order. It is solely provided in the event Respondent
- chooses to contest the Department’s determination of
- noncompliance.
- 10 3. Respondent will be afforded twenty (20) business days from the date of
- 11 receipt of the Department’s notification to submit a written request to the
- 12 Department for an administrative hearing to be held before an ALJ from
- the OAH.
- 13 4. Respondent, in addition to a request for hearing, may provide a written
- 14 response to include any information pertaining to the alleged
- noncompliance.
- 15 5. The scope and issues of the hearing are limited solely to whether or not
- 16 Respondent is in violation of the terms of this Consent Order to a degree
- sufficient to warrant imposition of the Stayed Fine.
- 17 6. At the conclusion of the hearing, the ALJ will issue an initial decision.
- 18 Either party may file a Petition for Review with the Director of the
- Department.
- 19 7. If Respondent does not request the hearing within the stated time, the
- 20 Department will impose the Stayed Fine and pursue whatever action it
- deems necessary to enforce the Stayed Fine.

21 **G. Investigation Fee.** It is AGREED and ORDERED that Respondent shall pay to the

22 Department an investigation fee of \$610.00, upon entry of this Consent Order, pursuant to Paragraph

23 H below.

1 **H. Payments.** It is AGREED and ORDERED that payment of \$110.00 of the \$610.00
2 Investigation Fee, shall be made by one \$110.00 cashier's check made payable to the "Washington
3 State Treasurer" delivered to the Department with Respondent's fully executed copy of this Consent
4 Order. It is FURTHER AGREED and ORDERED that beginning on June 1, 2020, and continuing
5 for five (5) months until the \$500 balance of the Investigation Fee is paid in full, Respondent shall
6 commence making monthly payments of \$100.00 to the Department, in the form of cashier's checks
7 made payable to the "Washington State Treasurer." It is FURTHER AGREED and ORDERED
8 Respondent's final payment of \$100.00 shall be paid to the Department, in the form of a cashier's
9 check made payable to the "Washington State Treasurer" on or before October 1, 2020.

10 **I. Change of Address.** It is AGREED that for the duration of the period this Consent Order
11 is in effect, unless otherwise agreed to in writing by the Department, Respondent shall provide the
12 Department with a mailing address and telephone number at which Respondent can be contacted.
13 Respondent shall notify the Department in writing of any changes to his mailing address or telephone
14 number within fifteen days of any such change.

15 **J. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
16 abide by the terms and conditions of this Consent Order may result in further legal action by the
17 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
18 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

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

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

1 **RESPONDENT:**

2 Reymundo James Rodriguez

3 By:

4 /s/
REYMUNDO JAMES RODRIGUEZ
Individually

4-6-2020
Date

6 DO NOT WRITE BELOW THIS LINE

7 THIS ORDER ENTERED THIS 15th DAY OF April, 2020.

9 /s/
LUCINDA FAZIO, Director
10 Division of Consumer Services
11 Department of Financial Institutions

12 Presented by:

13 /s/
14 AMANDA B. STARNES
Financial Legal Examiner

15 Approved by:

16 /s/
17 STEVEN C. SHERMAN
18 Enforcement Chief

1 B. “James,[sic] did an amazing job on helping us with our home loan. Finding us a low
2 interest rate and monthly payments that fit our families[sic] needs. Very professional and
3 knowledgeable”;

4 C. “James Rodriguez is awesome! He is very helpful, diligent, honest and goes above
5 and beyond to help his customers out! If you are wondering where to go to get a home loan, Caliber
6 Home Loans is the place to go and James Rodriguez is the person to go to!”;

7 D. “Let me help you get pre approved[sic]”; and

8 E. “Who needs help or has questions about getting preapproved for a home loan!?[sic] If
9 you do please feel free to contact me at anytime! I work with some amazing people who can help get
10 you preapproved and shopping for your dream home ASAP! My guys at Caliber Home Loans, James
11 Rodriguez and Kelly St. Mary will absolutely help take care of you and so will I”.

12 **1.3 Misleading Use of NMLS Number.** Respondent identified himself on Respondent’s public
13 Facebook page using “James Rodriguez – NMLS #995029 – Caliber Home Loans”. Respondent has
14 never been licensed as a mortgage loan originator in Washington state. NMLS number 995029 is not
15 associated with Respondent’s work for Caliber Home Loans. NMLS number 995029 is associated
16 with Respondent’s federal record, and has been inactive since August 8, 2017.

17 **1.4 Failed to Respond to Department’s Directive.** On or about September 24, 2019, the
18 Department’s Enforcement Unit delivered a Directive, via First-Class Mail and FedEx, to
19 Respondent’s last known mailing address. The Department gave Respondent until October 9, 2019,
20 to respond. As of the date of this Statement of Charges, the Department has not received a response.

21 **1.5 On-Going Investigation.** The Department’s investigation into the alleged violations of the
22 Act by Respondent continues to date.

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

2 **2.1 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11), “Loan originator” means
3 a natural person who for direct or indirect compensation or gain, or in the expectation of direct or
4 indirect compensation or gain: takes a residential mortgage loan application; offers or negotiates
5 terms of a mortgage loan; performs residential mortgage loan modification services; or holds
6 themselves out to the public as able to perform any of these activities.

7 **2.2 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
8 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1)
9 for engaging in the business of a loan originator without first obtaining and maintaining a license
10 under the Act.

11 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent
12 is in apparent violation of RCW 19.146.0201(2) for engaging in an unfair or deceptive practice
13 toward any person.

14 **2.4 Requirement to Comply with Director’s Investigative Authority.** Based on the Factual
15 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.235 and
16 WAC 208-660-520 for failing to comply with the Director’s investigative authority.

17 **III. AUTHORITY TO IMPOSE SANCTIONS**

18 **3.1 Authority to Issue an Order to Cease and Desist/Affirmative Action.** Pursuant to RCW
19 19.146.220(3), the Director may issue orders directing a licensee, its employee, loan originator,
20 independent contractor, agent, or other person subject to the Act to cease and desist from conducting
21 business or take such other affirmative action as is necessary to comply with this chapter.

22 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4), the Director may
23 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
24 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed

1 mortgage broker or any person subject to licensing under the Act for: any violation of the Act; false
2 statements or omission of material information on the application that, if known, would have allowed
3 the Director to deny the application for the original license; conviction of a gross misdemeanor
4 involving dishonesty or financial misconduct or a felony after obtaining a license; or failure to
5 comply with any directive or order of the Director.

6 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
7 against a licensee, employees, independent contractors, agents of licensees, or other persons subject
8 to the Act for: violations of orders, including cease and desist orders; false statements or omission of
9 material information on the application that, if known, would have allowed the Director to deny the
10 application for the original license; failure to pay a fee required by the Director or maintain the
11 required bond; failure to comply with any directive, order, or subpoena of the Director; or any
12 violation of the Act.

13 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
14 520(9) & (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per hour
15 for an examiner's time devoted to an investigation.

16 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
17 may recover the state's costs and expenses for prosecuting violations of the Act.

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