

ORDER SUMMARY – Case Number: C-20-2888

Name(s): Solar James Marks

Order Number: C-20-2888-20-CO01

Effective Date: December 29, 2020

License Number: 132353
Or NMLS Identifier [U/L] _____

License Effect: N/A

Not Apply Until: N/A

Not Eligible Until: _____

Prohibition/Ban Until: _____

Investigation Costs	\$ 432.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 12/23/2020
Fine	\$ 3,000	Due: STAYED 2 years	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: Agreement to comply with CLA & MBPA

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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:

SOLAR JAMES MARKS,
NMLS # 132353,

Respondent.

No.: C-20-2888-20-CO01

CONSENT ORDER

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COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Lucinda Fazio, Division of Consumer Services Director, and Solar James Marks
(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 upon the following:

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AGREEMENT AND ORDER

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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-20-2888-20-SC01 (Statement of Charges), entered April 2, 2020, (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.

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Based upon the foregoing:

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

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
2 hearing before an administrative law judge, and hereby waives his right to a hearing and any and all
3 administrative and judicial review of the issues raised in this matter, or of the resolution reached
4 herein. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of
5 Administrative Hearings.

6 **C. Maintain Compliance.** It is AGREED that Respondent shall comply with the Mortgage
7 Broker Practices Act or Consumer Loan Act, and any applicable federal laws, related to the activities
8 of any mortgage broker or consumer loan company subject to licensure by the Director.

9 **D. Fine and Stayed Fine.** It is AGREED and ORDERED that Respondent shall pay a fine
10 to the Department in the amount of \$3,000.00. It is FURTHER AGREED that \$3,000.00 of the fine
11 shall be stayed (Stayed Fine) for two years following entry of this Consent Order. It is FURTHER
12 AGREED that the stay may be lifted and the Stayed Fine imposed in accordance with the terms stated
13 in Paragraph E.

14 **E. Lifting of Stay and Imposing Stayed Fine.** It is AGREED that:

- 15 1. If the Department determines that Respondent has not complied with the
16 terms of this Consent Order to a degree sufficient to warrant imposition
17 of the Stayed Fine, and the Department accordingly seeks to lift the stay
and impose the Stayed Fine set forth in Paragraph D above, the
Department will first notify Respondent in writing of its determination.
- 18 2. The Department's notification will include:
 - 19 a) A description of the alleged noncompliance;
 - 20 b) A statement that because of the noncompliance, the Department
21 seeks to lift the stay and impose the Stayed Fine;
 - 22 c) The opportunity for Respondent to contest the Department's
23 determination of noncompliance in an administrative hearing
before an Administrative Law Judge (ALJ) of the Office of
Administrative Hearings (OAH); and

1 d) A copy of this Consent Order. The notification and hearing
2 process provided in this Consent Order applies only to this
3 Consent Order. It is solely provided in the event Respondent
4 chooses to contest the Department's determination of
5 noncompliance.

6 3. Respondent will be afforded twenty (20) business days from the date of
7 receipt of the Department's notification to submit a written request to the
8 Department for an administrative hearing to be held before an ALJ from
9 the OAH.

10 4. Respondent, in addition to a request for hearing, may provide a written
11 response to include any information pertaining to the alleged
12 noncompliance.

13 5. The scope and issues of the hearing are limited solely to whether or not
14 Respondent is in violation of the terms of this Consent Order to a degree
15 sufficient to warrant imposition of the Stayed Fine.

16 6. At the conclusion of the hearing, the ALJ will issue an initial decision.
17 Either party may file a Petition for Review with the Director of the
18 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
21 deems necessary to enforce the Stayed Fine.

22 **F. Investigation Fee.** It is AGREED and ORDERED that Respondent shall pay to the
23 Department an investigation fee of \$432.00, in the form of a cashier's check made payable to the
24 "Washington State Treasurer," upon delivery of this Consent Order to the Department, properly dated
and signed.

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

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 29th DAY OF December, 2020.

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

Presented by:

/s/
AMANDA B. STARNES
Financial Legal Examiner

Approved by:

/s/
STEVEN C. SHERMAN
Enforcement Chief

1 **1.3 Failed to Respond to Department’s Directive.** On or about January 21, 2020, the
2 Department sent Respondent a Directive to provide a signed Assurance of Compliance (Assurance).
3 The signed Assurance was due to the Department no later than January 31, 2020. As of the date of
4 this Statement of Charges, Respondent has not provided a signed Assurance to the Department.

5 **1.4 On-Going Investigation.** The Department’s investigation into the alleged violations of the
6 Act by Respondent continues to date.

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

8 **2.1 Unlicensed Location.** Based upon the Factual Allegations set forth in Section I above,
9 Respondent is in apparent violation of RCW 19.146.0201(16), and WAC 208-660-300(4) for
10 conducting business from an unlicensed location and/or from a location other than the location listed
11 on his loan originator license.

12 **2.2 Requirement to Comply with Director’s Investigative Authority.** Based upon the Factual
13 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.235, and
14 WAC 208-660-520 for failing to comply with the Director’s investigative authority.

15 **III. AUTHORITY TO IMPOSE SANCTIONS**

16 **3.1 Authority to Issue an Order to Cease and Desist/Affirmative Action.** Pursuant to RCW
17 19.146.220(3), the Director may issue orders directing a licensee, its employee, loan originator,
18 independent contractor, agent, or other person subject to the Act to cease and desist from conducting
19 business or take such other affirmative action as is necessary to comply with this chapter.

20 **3.2 Authority to Revoke License.** Pursuant to RCW 19.146.220(2), the Director may revoke
21 licenses for: violations of orders, including cease and desist orders; false statements or omission of
22 material information on the application that, if known, would have allowed the Director to deny the
23 application for the original license; failure to pay a fee required by the Director or maintain the

1 required bond; failure to comply with any directive, order, or subpoena of the Director; or any
2 violation of the Act.

3 **3.3 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4), the Director may
4 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
5 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
6 mortgage broker or any person subject to licensing under the Act for: any violation of the Act; false
7 statements or omission of material information on the application that, if known, would have allowed
8 the Director to deny the application for the original license; conviction of a gross misdemeanor
9 involving dishonesty or financial misconduct or a felony after obtaining a license; or failure to
10 comply with any directive or order of the Director.

11 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
12 against a licensee, employees, independent contractors, agents of licensees, or other persons subject
13 to the Act for: violations of orders, including cease and desist orders; false statements or omission of
14 material information on the application that, if known, would have allowed the Director to deny the
15 application for the original license; failure to pay a fee required by the Director or maintain the
16 required bond; failure to comply with any directive, order, or subpoena of the Director; or any
17 violation of the Act.

18 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
19 520(9) & (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per hour
20 for an examiner's time devoted to an investigation.

21 **3.6 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
22 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 Respondent’s 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 Solar James Marks cease and desist from any and all violations of the Act.

7 **4.2** Respondent Solar James Marks’ license to conduct the business of a mortgage loan
8 originator be revoked.

9 **4.3** Respondent Solar James Marks be prohibited from participation in the conduct of the
10 affairs of any mortgage broker subject to licensure by the Director, in any manner, for
11 a period of five (5) years.

12 **4.4** Respondent Solar James Marks pay a fine, which as of the date of this Statement of
13 Charges, totals \$6,000.00.

14 **4.5** Respondent Solar James Marks pay an investigation fee, which as of the date of this
15 Statement of Charges, totals \$163.20.

16 **4.6** Respondent pay the Department’s costs and expenses for prosecuting violations of the
17 Act in an amount to be determined at hearing or by declaration with supporting
18 documentation in event of default by Respondent.

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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). Respondent 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 2nd day of April, 2020.

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

13 Presented by:

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15 /s/
16 AMANDA B. STARNES
17 Financial Legal Examiner

18 Approved by:

19 /s/
20 STEVEN C. SHERMAN
Enforcement Chief