

ORDER SUMMARY – Case Number: C-20-2930

Name(s): Accelerate Mortgage LLC

Order Number: C-20-2930-20-CO01

Effective Date: 10/29/2020

License Number: 1711853

Or NMLS Identifier [U/L] _____

License Effect: _____

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: _____

Investigation Costs	\$ 2,000		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$ 40,000 (20,000 stayed two years)	Due	Paid <input checked="" type="checkbox"/> Y <input 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: _____

1 **1.3** Respondent’s advertising contained features suggesting a false sense of urgency inducing
2 consumers to respond to the advertisements when no response was required. Respondent’s
3 advertisements included the following phrases, among others: “Notice: VA Guidelines require a
4 waiting period,” “Our review has indicated that the waiting period has been marked as expired,”
5 “NOTICE NUMBER,” “UNDERSTANDING YOUR EQUITY RESERVE EVALUATION,”
6 “Please keep a copy of this notice for your records,” “***Note*** It is important that you contact this
7 department within 5 days of receipt of this notification,” “NOTICE DATE,” “NOTICE NUMBER,”
8 “WAITING PERIOD EXPIRATION,” “WAITING PERIOD COMPLETE,” “ADMINISTRATIVE
9 OFFICE,” “EXPIRATION NOTICE,” “NOTICE: Your waiting period to access your Equity
10 Reserves of [dollar amount], and other new VA Mortgage Guaranty benefits, has been completed,”
11 and “ADMINISTRATIVE OFFICE.”

12 **1.4** Respondent’s advertising contained features suggesting that the advertisements related to
13 official or government business, or were sent by an entity affiliated with the government, when no
14 official or government relationship existed. Respondent’s advertisements included the following
15 features, among others: QR codes, bar codes, and black and white lettering.

16 CONCLUSIONS OF LAW

17 **2.1** Based on the above Findings of Fact, Respondent violated RCW 31.04.027(1)(a) and (b),
18 WAC 208-620-550(5), and WAC 208-620-630(1) by directly or indirectly employing any scheme to
19 defraud or mislead any person, and directly or indirectly engaging in any unfair or deceptive practice
20 toward any person.

21 **2.2** Based on the above Findings of Fact, Respondent violated RCW 31.04.135 and WAC 208-
22 620-550(5) by advertising or permitting to be advertised, in any manner whatsoever, any statement or
23

1 representation with regard to rates, terms, or conditions for the lending of money that is false,
2 misleading, or deceptive.

3 **AGREEMENT AND ORDER**

4 The Department and Respondent have agreed upon a basis for resolution of the Findings of
5 Fact and Conclusions of Law identified in this Consent Order. Pursuant to RCW 31.04.093(7) and
6 RCW 34.05.060, Respondent and the Department agree to entry of this Consent Order and further
7 agree that the matters alleged herein may be economically and efficiently settled by the entry of this
8 Consent Order.

9 Based upon the foregoing:

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

12 **B. Waiver of Hearing.** It is AGREED that Respondent hereby waives any right it has to a hearing
13 and any and all administrative and judicial review of the issues raised in this matter or the resolution
14 reached herein.

15 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the matters
16 alleged herein and AGREE that Respondent neither admits nor denies any wrongdoing by its entry.

17 **D. Fine (Partially Stayed).** It is AGREED that Respondent shall pay a fine to the Department in
18 the amount of \$40,000. It is further AGREED that \$20,000 of the fine amount shall be stayed for two
19 years from the date of this Consent Order unless the stay is lifted pursuant to Paragraph E of this
20 Consent Order. The stayed fine shall expire without further action or notice by the Department if the
21 Department does not seek to lift the stay and impose the stayed fine pursuant to Paragraph E.

22 **E. Lifting of Stay and Imposition of Stayed Fine.** It is AGREED that:
23

- 1 1. If, during the two year period of the stay, the Department determines that Respondent
2 has not complied with either the advertising laws of the Act or federal advertising laws
3 or both, or has not complied with this Consent Order, and the Department seeks to lift
4 the stay and impose the stayed fine, the Department will first serve Respondent with a
5 written notice of alleged noncompliance.
- 6 2. The notice will include:
 - 7 i. A description of the alleged noncompliance;
 - 8 ii. A statement that the Department seeks to lift the stay and impose the stayed
9 fine;
 - 10 iii. Notice that Respondent can contest the notice of alleged noncompliance by
11 either requesting an adjudicative hearing before an administrative law judge
12 (ALJ) from the Office of Administrative Hearings or by submitting a written
13 response to the Department contesting the alleged noncompliance; and
14 iv. Notice that the process for lifting the stay applies only to this Consent Order.
- 15 3. Respondent has 20 days from the date of service of the notice of alleged
16 noncompliance to submit a written request to the Department for an adjudicative
17 hearing.
- 18 4. The scope and issues of the adjudicative hearing are limited solely to whether or not
19 Respondent is in violation of the terms of this Consent Order.
- 20 5. At the conclusion of the adjudicative hearing, the ALJ will issue an initial decision.
21 Any party may file a Petition for Review of that initial decision with the Director of
22 the Department.
- 23 6. DEFAULT. If Respondent does not timely request an adjudicative hearing or submit a

1 written response contesting the notice of alleged noncompliance, the Department may
2 lift the stay and impose the stayed fine without further notice.

3 **F. Investigation Fee.** It is AGREED that Respondent shall pay an investigation fee to the
4 Department in the amount of \$2,000. The non-stayed portion of the of fine and the investigation fee
5 shall be paid together in the form of a cashier’s check in the amount of \$22,000 made payable to the
6 “Washington State Treasurer,” upon delivery of this Consent Order to the Department, properly dated
7 and signed.

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

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

12 **I. Authority to Execute Order.** It is AGREED that the undersigned authorized representative
13 has represented and warranted that he has the full power and right to execute this Consent Order on
14 behalf of Respondent.

15
16 **RESPONDENT:**
17 Accelerate Mortgage, LLC
18 By:

19 /s/ _____
20 JEFFREY BROHAWN
21 President

22 10-26-2020 _____
23 Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DO NOT WRITE BELOW THIS LINE

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

/s/
Lucinda Fazio, Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

/s/
KENNETH J. SUGIMOTO
Financial Legal Examiner Supervisor

Approved by:

/s/
STEVEN C. SHERMAN
Enforcement Chief