

ORDER SUMMARY
Consumer Services Division Case Number C-22-3436

Consent Orders resolve investigations. In these, companies and individuals work with us to agree to terms that resolve the alleged issues in the investigation.

| | |
|---------------------|-----------------------------------|
| Name | Nestor Diaz, NMLS #2171748 |
| Order Number | C-22-3436-24-CO02 |
| Date issued | January 9, 2025 |

What does this Consent Order require?

- Respondent must pay DFI \$27,000 upon delivery of this Consent Order.
- Respondent must pay DFI \$13,616.46 (\$12,150.00 in fines and \$1,466.46 in investigation costs) by December 31, 2025.

Need more information?

You can contact the Consumer Services Division, Enforcement unit at (360) 902-8703 or cseforcecomplaints@dfi.wa.gov. *Please remember that we cannot provide financial or legal advice to members of the public. We also cannot release confidential information.*

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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
Consumer Loan Act of Washington by:

No.: C-22-3436-24-CO02

CONSENT ORDER

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NESTOR DIAZ, JR.,
NMLS #2171748,

Respondent.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Ali Higgs, Division of Consumer Services, Director, and Nestor Diaz, Jr. (Respondent),
enter into this Consent Order (Consent Order) amending the fine payment provisions set forth in
Consent Order No. C-22-3436-23-CO01 (Consent Order CO01) (attached) based upon Respondent's
representation that for financial reasons he was unable to meet the agreed fine payment provisions set
forth in Consent Order CO01. 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 on the following:

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AGREEMENT AND ORDER

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The Department of Financial Institutions, Division of Consumer Services (Department) issued
a Statement of Charges in the above-referenced matter on or about March 1, 2023. Consent Order
CO01 was entered on or about June 2, 2023, and included an agreement that Respondent pay a fine in
the amount of \$27,000 in twelve (12) payments as referenced in Paragraph E of Consent Order
CO01. Respondent did not make any payments to the Department, and the Department issued a
second Statement of Charges in the above-referenced matter on or about January 30, 2024 (copy
attached hereto). Pursuant to RCW 31.04.093(7) and RCW 34.05.060, Respondent and the
Department agree to entry of this Consent Order and further agree that the matters alleged herein may

CONSENT ORDER
C-22-3436-24-CO02
NESTOR DIAZ, JR.

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 be economically and efficiently settled by the entry of this Consent Order. The parties intend this
2 Consent Order to fully resolve the Statement of Charges.

3 Based on the foregoing:

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

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

11 **C. Payment Due Immediately.** It is AGREED and ORDERED that Respondent shall make a
12 \$27,000.00 payment in the form of a cashier's check made payable to the "Washington State
13 Treasurer" upon delivery of this Consent Order to the Department, properly dated and signed.

14 **D. Payment Due By December 31, 2025.** It is AGREED that Respondent shall pay the
15 Department the amount of \$13,616.46 by 5:00 P.M. December 31, 2025. This amount represents
16 fines (\$12,150.00) and investigation costs (\$1,466.46). Respondent shall make the payment to the
17 Department in one lump sum in the form of a cashier's check made payable to the "Washington State
18 Treasurer."

19 **E. Confession of Judgment.** It is AGREED that Respondent has entered into a Confession of
20 Judgment for a total amount of \$13,616.46 representing fines in the amount of \$12,150.00 and
21 investigation costs in the amount of \$1,466.46. A copy of the Confession of Judgment is attached
22 and incorporated into this Consent Order by this reference. If Respondent does not pay the amount
23 owed under Paragraph D by 5:00 P.M. on December 31, 2025, at the option of the Department,

1 without notice to Respondent, the Department may pursue all available legal remedies, including
2 entry of the Confession of Judgment consistent with chapter 4.60 RCW.

3 **F. Complete Cooperation with the Department.** It is AGREED that in the event the
4 Department pursues entry of the Confession of Judgment, Respondent shall upon the Department's
5 request, fully and promptly cooperate with the Department in its efforts to get the Confession of
6 Judgment entered by the superior court. Respondent understands that failure to cooperate fully and
7 completely would constitute a breach of this Consent Order and a violation of the Act, which may
8 result in sanctions.

9 **G. Effect of Consent Order C-22-3436-23-CO01.** It is AGREED that all provisions – except
10 Paragraph E – of Consent Order C-22-3436-23-CO01 are incorporated herein and shall remain in full
11 force and effect as to Respondent.

12 **H. Authority to Execute Order.** It is AGREED that the undersigned have represented and
13 warranted that they have the full power and right to execute this Consent Order on behalf of the
14 parties represented.

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

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

4 **RESPONDENT:**

5 [Redacted]
6 Nestor Diaz, Jr.

Date

1/6/25

7 **DO NOT WRITE BELOW THIS LINE**

8 THIS ORDER ENTERED THIS 9th DAY OF January, 2025.

9
10 [Redacted]
11 ALI HIGGS, Director
12 Division of Consumer Services
Department of Financial Institutions

13 Presented by:

14 [Redacted]
15 MEGAN GUTHRIE
16 Financial Legal Examiner



17 Reviewed by:

18 [Redacted]
19 DREW STILLMAN
20 Financial Legal Examiner Supervisor

21 Approved by:

22 [Redacted]
23 JAMES R. BRUSSELBACK
Acting Enforcement Chief

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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF FINANCIAL
INSTITUTIONS,

Plaintiff,

v.

NESTOR DIAZ, JR.,

Defendant.

NO.

DFI CASE NO.: C-22-3436-24-CO02

CONFESSION OF JUDGMENT

(Clerk's Action Required)

Judgment Summary

| | |
|---|--|
| Judgment Creditor: | State of Washington, Department of Financial Institutions |
| Attorneys for Department of Financial Institutions: | Robert W. Ferguson, Washington Attorney General _____, Assistant Attorney General |
| Judgment Debtor: | Nestor Diaz, Jr. |
| Principal Judgment Amount for Fine: | \$12,150.00 owed to the Department of Financial Institutions |
| Principal Judgment Amount for Investigation Costs: | \$1,466.46 owed to the Department of Financial Institutions |
| Total Judgment Amount: | \$13,616.46 |
| Post-Judgment Interest (per annum): | 12% |

1 Pursuant to chapter 4.60 of the Revised Code of Washington, Judgment by Confession,
2 Defendant Nestor Diaz, Jr. hereby authorizes entry of a judgment under the following terms:


3 **Factual Basis for Judgment**

4 The State of Washington, Department of Financial Institutions and Nestor Diaz, Jr. have
5 agreed upon a basis for resolution of the matters alleged in the Statement of Charges No. C-22-
6 3436-24-SC02, entered January 30, 2024. Nestor Diaz, Jr. has agreed to enter into a Confession
7 of Judgment, pursuant to chapter 4.60 RCW, and the terms of Consent Order No. C-22-3436-
8 24-CO02, in the amount of \$13,616.46, which shall be paid to the State of Washington,
9 Department of Financial Institutions.


10 **Authorization for Entry of Judgment**

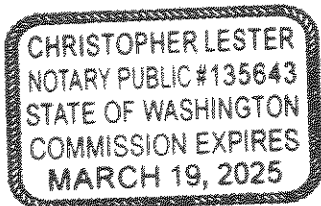
11 I, Nestor Diaz, Jr., being duly sworn upon oath, acknowledge the debt of \$13,616.46 to
12 the State of Washington, Department of Financial Institutions. I authorize entry of judgment
13 against me, without further notice from the State of Washington, Department of Financial
14 Institutions, for the amount set forth in the judgment summary above.

15 DATED this 1 day of Dec, 2024⁵

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19 _____
20 NESTOR DIAZ, JR.

21 SUBSCRIBED AND SWORN TO before me in Olympia, WA
22 this 6th day of January, 2024⁵

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24 _____
25 Notary Public in and for the State of
26 Washington, residing at Olympia,
Washington.
My Commission expires: March 19 2025



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Order for Entry

The above Confession of Judgment having been presented to this Court for entry in accordance with RCW 4.60.070, the Court having found said Confession of Judgment to be sufficient, now, therefore, it is hereby:

ORDERED that the Clerk of this Court shall forthwith enter Judgment against Nestor Diaz, Jr. in accordance with the terms of the Confession of Judgment.

DONE IN OPEN COURT this ____ day of _____, 202_.

JUDGE/COURT COMMISSIONER

Presented by:

ROBERT W. FERGUSON
Attorney General

_____, WSBA # _____
Assistant Attorney General
Attorneys for State of Washington
Department of Financial Institutions

ORDER SUMMARY
Consumer Services Division Case Number C-22-3436

Consent Orders resolve investigations. In these, companies and individuals work with us to agree to terms that resolve the alleged issues in the investigation.

| | |
|---------------------|-----------------------------------|
| Name(s) | Nestor Diaz, NMLS #2171748 |
| Order Number | C-22-3436-23-CO01 |
| Date issued | June 2, 2023 |

What does this Consent Order require?

- Must pay a fine of \$27,000, with monthly payments of \$2,250 to begin on August 1, 2023.
- Loan originator application has been withdrawn.
- Must wait until after May 31, 2023 to apply for a license.

Need more information?

You can contact the Consumer Services Division, Enforcement unit at (360) 902-9703 or cseforcecomplaints@dfi.wa.gov. *Please remember that we cannot provide financial or legal advice to members of the public. We also cannot release confidential information.*

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF INVESTIGATING the
Loan Originator License Application under the
Consumer Loan Act of Washington by:

No.: C-22-3436-23-CO01

CONSENT ORDER

NESTOR DIAZ, JR., NMLS #2171748,

Respondent.

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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 Nestor Diaz, Jr. (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
31.04 of the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative
Procedure Act, based on 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-22-3436-23-SC01 (Statement of Charges), entered March 1, 2023 (copy attached hereto).
Pursuant to chapter 31.04 RCW, the Consumer Loan 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 agree 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 below, withdraw their appeal to the Office of
5 Administrative Hearings.

6 **C. Loan Originator License Application Withdrawal.** It is AGREED that Respondent's
7 loan originator license application is withdrawn.

8 **D. Application for License.** It is AGREED that Respondent shall not apply to the
9 Department for any license until after May 31, 2023. It is further AGREED that, should Respondent
10 apply to the Department for any license at any time after May 31, 2023, Respondent shall be required
11 to meet any and all application requirements in effect at that time.

12 **E. Fine.** It is AGREED that Respondent shall pay a fine to the Department in the amount of
13 \$27,000. It is further AGREED that beginning August 1, 2023, through July 1, 2024, Respondent
14 shall make monthly payments in the amount of \$2,250 on the first of each month, in the form of a
15 cashier's check made payable to the "Washington State Treasurer."

16 **F. Complete Cooperation with the Department.** It is AGREED that, upon written request
17 by the Department, Respondent shall provide the Department truthful and complete sworn statements
18 outlining his activities with respect to Directors Mortgage, Inc. (Directors), NMLS #3240 and any
19 and all persons involved or in any way associated with Directors. The sworn statements may take the
20 form of affidavits, declarations, or deposition testimony, at the Department's discretion. In addition
21 to providing sworn statements, it is AGREED that, upon written request by the Department,
22 Respondent shall cooperate fully, truthfully, and completely with the Department and provide any
23 and all information known to him relating in any manner to Directors and any and all persons
24 involved or in any way associated with Directors. It is further AGREED that, upon written request

1 by the Department, Respondent shall provide any and all documents, writings or materials, or objects
2 or things of any kind in his possession or under his care, custody, or control that he is authorized to
3 possess, obtain, or distribute relating directly or indirectly to all areas of inquiry and investigation. It
4 is further AGREED that Respondent shall testify fully, truthfully, and completely at any and all
5 proceedings related to any Department investigation or enforcement action related to any and all
6 persons involved or in any way associated with Directors, and any respondent named therein.
7 Respondent understands and agrees that his failure to cooperate fully, truthfully, and completely
8 would constitute a breach of this Consent Order.

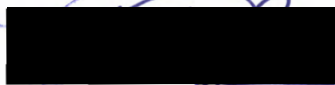

9 **G. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
10 abide by the terms and conditions of this Consent Order may result in further legal action by the
11 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
12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

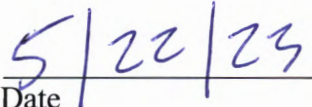
13 **H. Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this
14 Consent Order, which is effective when signed by the Director's designee.

15 **I. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read
16 this Consent Order in its entirety and fully understand and agree to all of the same.

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

20 **RESPONDENT:**

21 
22 Nestor Diaz, Jr. 

23 
Date

1 THIS ORDER ENTERED THIS 2nd DAY OF June, 2023.



4 [REDACTED]

5 LUCINDA FAZIO, Director
Division of Consumer Services
Department of Financial Institutions

6 Presented by:

7 [REDACTED]

8 RACHELLE VILLALOBOS
Financial Legal Examiner

9 Approved by:

10 [REDACTED]

11 JACK McCLELLAN
12 Enforcement Chief

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

3 IN THE MATTER OF INVESTIGATING the
4 Loan Originator License Application under the
5 Consumer Loan Act of Washington by:

5 NESTOR DIAZ, JR., NMLS #2171748,

6 Respondent.

No.: C-22-3436-23-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO CEASE AND DESIST, DENY
LICENSE APPLICATION, PROHIBIT FROM
INDUSTRY, IMPOSE FINES, and RECOVER
COSTS AND EXPENSES

7
8 **INTRODUCTION**

9 Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial
10 Institutions of the State of Washington (Director) is responsible for the administration of chapter
11 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to
12 RCW 31.04.247, and based upon the facts available as of the date of this Statement of Charges, the
13 Director, through his designee, Division of Consumer Services Director Lucinda Fazio, institutes this
14 proceeding and finds as follows:

15 **I. FACTUAL ALLEGATIONS**

16 **1.1 Nestor Diaz, Jr. (Respondent)** submitted an application to the Department of Financial
17 Institutions of the State of Washington (Department) for a mortgage loan originator license under
18 Directors Mortgage, Inc. (Directors), NMLS #3240, a consumer loan company licensed under the
19 Act. The license application was received by the Department, through the Nationwide Mortgage
20 Licensing System and Registry, on or about November 23, 2022. Respondent has never been
21 licensed by the Department to conduct business as a mortgage loan originator.

22 **1.2 Unlicensed Activity.** Between at least August 10, 2021, and March 9, 2022, Respondent
23 assisted at least nine borrowers in applying to obtain or obtaining a residential mortgage loan for
24 residential real estate located in Washington State. In doing so, Respondent took a residential

1 mortgage loan application, offered or negotiated the terms of a residential mortgage loan, or held
2 himself out as being able to perform any of these activities.

3 **1.3 On-Going Investigation.** The Department’s investigation into the alleged violations of the
4 Act by Respondent continues to date.

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

6 **2.1 Definition of Residential Mortgage Loan.** Pursuant to RCW 31.04.015(24) “Residential
7 mortgage loan” means any loan primarily for personal, family, or household use that is secured by a
8 mortgage, deed of trust, or other consensual security interest on a dwelling, as defined in the truth in
9 lending act, or residential real estate upon which is constructed or intended to be constructed a
10 dwelling.

11 **2.2 Definition of Mortgage Loan Originator.** Pursuant to RCW 31.04.015(18)(a), "Mortgage
12 loan originator" means an individual who for compensation or gain (i) takes a residential mortgage
13 loan application, or (ii) offers or negotiates terms of a residential mortgage loan. "Mortgage loan
14 originator" also includes individuals who hold themselves out to the public as able to perform any of
15 these activities.

16 **2.3 Definition of Borrower.** Pursuant to RCW 31.04.015(4), "Borrower" means any person who
17 consults with or retains a licensee or person subject to this chapter in an effort to obtain or seek
18 information about obtaining a loan, regardless of whether that person actually obtains such a loan.

19 **2.4 Unlicensed Activity.** Based on the Factual Allegations set forth in Section I above,
20 Respondent is in apparent violation of RCW 31.04.221 for engaging in the business of a mortgage
21 loan originator without first obtaining and maintaining a license under the Act.

22 **2.5 Requirement to Demonstrate Character and General Fitness.** Based on the Factual
23 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW

24 31.04.247(1)(e) and WAC 208-620-710(4)(a) by failing to demonstrate character and general fitness

1 such as to command the confidence of the community and to warrant a determination that the
2 mortgage loan originator will conduct business honestly, fairly, and efficiently within the purposes of
3 the Act. Pursuant to WAC 208-620-710(4)(a), the Department's investigation of an applicant's
4 character and general fitness may include a review of the number and severity of complaints filed
5 against the applicant and a review of any investigation or enforcement activity against the applicant.

6 **2.6 Unfair or Deceptive Practice.** Based on the Factual Allegations set forth in Section I above,
7 Respondent is in apparent violation of RCW 31.04.027(1)(b) for directly or indirectly engaging in
8 any unfair or deceptive practice toward any person.

9 III. AUTHORITY TO IMPOSE SANCTIONS

10 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 31.04.093(5)(a), the
11 Director may issue orders directing a licensee, its employee, loan originator, or other person subject
12 to the Act to cease and desist from conducting business in a manner that is injurious to the public or
13 violates any provision of the Act.

14 **3.2 Authority to Deny Application for Mortgage Loan Originator License.** Pursuant to RCW
15 31.04.247(2), the Director shall not issue a mortgage loan originator license if the director finds the
16 conditions of RCW 31.04.247 have not been met.

17 **3.3 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6), the Director may
18 issue an order prohibiting from participation in the affairs of any licensee, any officer, principal,
19 employee, mortgage loan originator, or any other person subject to the Act for (e) a violation of RCW
20 31.04.027 or RCW 31.04.221, or (f) failure to obtain a license for activity that requires a license.

21 **3.4 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4)(a), the Director may impose fines
22 of up to one hundred dollars per day, per violation, upon the licensee, its employee or loan originator,
23 or any other person subject to the Act for any violation of the Act.

1 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2), the Director
2 may recover the state's costs and expenses for prosecuting violations of the Act.

3 **IV. NOTICE OF INTENT TO ENTER ORDER**

4 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
5 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
6 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, RCW
7 31.04.205, and RCW 31.04.247. Therefore, it is the Director's intent to ORDER that:

- 8 4.1 Respondent Nestor Diaz, Jr. cease and desist from engaging in the business of a
9 mortgage loan originator without a license.
- 10 4.2 Respondent Nestor Diaz, Jr.'s application for a mortgage loan originator license be
11 denied.
- 12 4.3 Respondent Nestor Diaz, Jr. be prohibited from participation in the conduct of the
13 affairs of any consumer loan company or mortgage loan originator subject to licensure
14 by the Director, in any manner, for a period of five (5) years.
- 15 4.4 Respondent Nestor Diaz, Jr. pay a fine. As of the date of this Statement of Charges,
16 the fine totals \$27,000.
- 17 4.5 Respondent Nestor Diaz, Jr. pay the Department's costs and expenses for prosecuting
18 violations of the Act in an amount to be determined at hearing or by declaration with
19 supporting documentation in event of default by Respondent.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intent To Enter an Order to Cease and Desist, Deny
3 License Application, Prohibit From Industry, Impose Fines, and Recover Costs and Expenses
4 (Statement of Charges) is issued pursuant to the provisions of RCW 31.04.093, RCW 31.04.165,
5 RCW 31.04.202, and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW, the
6 Administrative Procedure Act. Respondent may make a written request for a hearing as set forth in
7 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
8 accompanying this Statement of Charges.

9 Dated this 1st day of March, 2023.



11 _____
12 LUCINDA FAZIO, Director
13 Division of Consumer Services
14 Department of Financial Institutions

14 Presented by:

15 _____

16 RACHELLE VILLALOBOS
17 Financial Legal Examiner

18 Approved by:

19 _____

20 JACK McCLELLAN
21 Enforcement Chief