

## ORDER SUMMARY – Case Number: C-21-3202

**Name(s):** Seneca One LLC and Brian Nasser Javadpour

**Order Number:** C-21-3202-22-CO01

**Effective Date:** 01/30/2023

**License Number:** 1739067 and 1782798

**Or NMLS Identifier [U/L]**

**License Effect:** License expired (Seneca)

**Not Apply Until:** 1/30/2027 (Javadpour)

**Not Eligible Until:** 1/30/2027 (Javadpour)

**Prohibition/Ban Until:** 1/30/2028 (Seneca)

<b>Investigation Costs</b>	\$ 1035.15		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 01/31/2023
<b>Fine</b>	\$ 9,750.00	Stayed for 2 years	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Financial Literacy and Education</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Cost of Prosecution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

**Comments:**

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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  
Consumer Loan Act of Washington by:

No.: C-21-3202-22-CO01

CONSENT ORDER

SENECA ONE, LLC, NMLS # 1739067, and  
BRIAN NASSER JAVADPOUR, Control Person,  
NMLS # 1782798,  
Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Lucinda Fazio, Division of Consumer Services Director, Seneca One, LLC (Respondent Seneca One) and Brian Nasser Javadpour (Respondent Javadpour), 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 upon the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department), Respondent Seneca One, and Respondent Javadpour have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-21-3202-22-SC01 (Statement of Charges), entered January 18, 2022, (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 Seneca One, and Respondent Javadpour hereby agree 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 and agree that the Respondents do not admit any wrongdoing by its entry. Respondents

1 agree to withdraw their appeal to the Office of Administrative Hearings in consideration of the terms  
2 of this Consent Order.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondent Seneca One and Respondent  
7 Javadpour have been informed of their right to a hearing before an administrative law judge, and  
8 hereby waive their right to a hearing and any and all administrative and judicial review of the issues  
9 raised in this matter, or of the resolution reached herein. Accordingly, Respondent Seneca One and  
10 Respondent Javadpour, by their signatures, or the signatures of their representatives, below, withdraw  
11 their appeal to the Office of Administrative Hearings.

12 **C. Consumer Loan Company License.** It is AGREED that Respondent Seneca One's  
13 consumer loan license expired April 21, 2021.

14 **D. Prohibition from Industry.** It is AGREED that, for a period of five (5) years from the  
15 date of entry of this Consent Order, Respondent Seneca One is prohibited from participating, in any  
16 capacity, in the conduct of the affairs of any consumer loan company licensed by the Department or  
17 subject to licensure or regulation by the Department.

18 **E. Application for License.** It is AGREED that, for a period of four (4) years from the date  
19 of entry of this Consent Order, Respondent Javadpour shall not apply to the Department for any  
20 license under any name. It is further AGREED that, should Respondent Javadpour apply to the  
21 Department for any license under any name at any time later than four (4) years from the date of  
22 entry of this Consent Order, Respondent Javadpour shall be required to meet any and all application  
23 requirements in effect at that time.

1           **F. Fine.** It is AGREED and ORDERED that Respondent Seneca One and Respondent  
2 Javadpour shall jointly and severally pay a fine to the Department in the amount of \$9,750.00. It is  
3 FURTHER AGREED \$9,750.00 of the fine shall be stayed (Stayed Fine) for two (2) years following  
4 entry of this Consent Order contingent upon Respondent Seneca One's and Respondent Javadpour's  
5 compliance with this Consent Order. It is FURTHER AGREED that the stay may be lifted and the  
6 Stayed Fine imposed in accordance with the terms stated in Paragraph G. Absent any action by the  
7 Department to lift the Stayed Fine pursuant to Paragraph G, Respondents' obligation to pay the  
8 Stayed Fine shall be vacated two (2) years from the date of entry of this Consent Order without  
9 further action or notice by the Department.

10           **G. Lifting of Stay and Imposing Stayed Fine.** It is AGREED that:

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

3. Respondent Seneca One and Respondent Javadpour will be afforded twenty (20) business days from the date of receipt of the Department's notification to submit a written request to the Department for an administrative hearing to be held before an ALJ from the OAH.
4. Respondent Seneca One and Respondent Javadpour, in addition to a request for hearing, may provide a written response to include any information pertaining to the alleged noncompliance.
5. The scope and issues of the hearing are limited solely to whether or not Respondent Seneca One and Respondent Javadpour are in violation of the terms of this Consent Order.
6. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party may file a Petition for Review with the Director of the Department.

7. If Respondent Seneca One and Respondent Javadpour do not request the hearing within the stated time, the Department will impose the Stayed Fine and pursue whatever action it deems necessary to enforce the Stayed Fine.

**H. Investigation Fee.** It is AGREED and ORDERED that Respondent Seneca One and Respondent Javadpour shall jointly and severally pay to the Department an investigation fee of \$1,035.15, in the form of a cashier's check made payable to the "Washington State Treasurer," upon delivery of this Consent Order to the Department, properly dated and signed.

**I. Records Retention.** It is AGREED that Respondent Seneca One and Respondent Javadpour, their officers, employees, and agents shall maintain records of any business done in the State of Washington or with Washington consumers in compliance with the Act and provide the Director with the location of the books, records and other information relating to Respondent Seneca One and Respondent Javadpour's consumer loan company business in the State of Washington, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

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

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

**L. Voluntarily Entered.** It is AGREED that Respondent Seneca One and Respondent Javadpour have voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

**M. Completely Read, Understood, and Agreed.** It is AGREED that Respondent Seneca One and Respondent Javadpour have read this Consent Order in its entirety and fully understand and agree to all of the same.

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

**RESPONDENTS:**

Seneca One, LLC  
Brian Nasser Javadpour  
By:

[Redacted Signature]

Brian Nasser Javadpour as Date  
Control Person for Seneca One, LLC

[Redacted Signature]

Brian Nasser Javadpour Date  
Individually

Approved for Entry:  
By:

1/15/23

1/15/23

1  
2 s/ John A. Bender

3 John Bender, WSBA No.19540

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Date

4 Attorney at Law

5 Bender Law, PLLC

6 Attorney for Respondents

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 30th DAY OF JANUARY, 2023.



/s/

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

Presented by:

/s/

AMANDA B. STARNES  
Financial Legal Examiner

Approved by:

/s/

JACK McCLELLAN  
Enforcement Chief

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

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

SENECA ONE, LLC, NMLS # 1739067, and  
BRIAN NASSER JAVADPOUR, President,  
Direct Owner and Executive Officer, NMLS #  
1782798,

Respondents.

No. C-21-3202-22-SC01

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

**INTRODUCTION**

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee, Division of Consumer Services Director Lucinda Fazio, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Respondent Seneca One, LLC (Respondent Seneca One)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a consumer loan company on or about February 15, 2019, until its license expired on April 21, 2021.

B. **Respondent Brian Nasser Javadpour (Respondent Javadpour)** is known to be the President, Direct Owner and Executive Officer of Respondent Seneca One.



1 **1.2 Failure to File Annual Reports.** Respondents' Consolidated Annual Report (CAR) and  
2 Annual Assessment Report (AAR) concerning Respondents' business and operations in 2020 were  
3 due to the Department on or before March 1, 2021, or within thirty (30) days of closure. Respondents  
4 did not file Respondents' CAR and AAR for 2020 on or before March 1, 2021.

5 **1.3 Failure to Pay Annual Assessment.** Respondents' payment of an annual assessment fee for  
6 2020, as calculated in the AAR, was due to the Department on or before March 1, 2021, or within  
7 thirty (30) days of closure. Respondents did not pay the annual assessment fee for 2020 on or before  
8 March 1, 2021.

9 **1.4 Failure to Comply with Department's Directive.**

10 On or about March 15, 2021, the Department's Examinations Unit delivered a late notice to  
11 Respondents via e-mail, and via First-Class Mail to Respondents' last known business address listed  
12 in the Nationwide Mortgage Licensing System (NMLS).

13 On or about April 5, 2021, the Department's Examinations Unit delivered a license expiration  
14 notice to Respondents via e-mail, and via First-Class and Certified Mail to Respondents' last known  
15 business address listed in NMLS.

16 On or about June 3, 2021, the Department's Enforcement Unit delivered a Directive, via e-  
17 mail, First-Class Mail and FedEx to Respondent Javadpour's last known mailing address listed in  
18 NMLS. The Department gave Respondents until June 18, 2021, to file Respondents' CAR and AAR  
19 for 2020, and pay Respondents' annual assessment fee and any applicable late fee for 2020. As of  
20 the date of this Statement of Charges, Respondents have not filed Respondents' CAR and AAR for  
21 2020, or paid the annual assessment fee and any applicable late fee for 2020.

22 **1.5 Failure to Notify Department of Significant Developments.** On or about June 15, 2021,  
23 Respondents' former Control Person, Secretary, and Primary Regulatory and Consumer Complaint  
24 Contact, Rod Boddie (Mr. Boddie) contacted the Department and stated he no longer worked for

Respondents. Further, Mr. Boddie stated Respondents ceased doing business. As of the date of this Statement of Charges, Respondents have not updated Respondents' NMLS record to reflect these changes.

Further, this is a repeat violation. On or about August 11, 2020, the Department issued a Resolution and Request for Action in Complaint No. 052259, requiring Respondents to update their NMLS record. Further, on or about January 26, 2021, the Department issued a Resolution and Closure in matter C-20-3030, citing Respondents for their failure to update their NMLS record.

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

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

**2.1 Requirement to File Reports.** Based upon the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.04.155, WAC 208-620-430(1), WAC 208-620-460(1), and WAC 208-620-499(2) for failing to file Respondents' CAR and an AAR for 2020 on or before March 1, 2021, or within thirty (30) days of closure.

**2.2 Requirement to Pay Annual Assessment.** Based upon the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.04.085, WAC 208-620-430(1), WAC 208-620-460(1), and WAC 208-620-499(2) for failing to pay Respondents' annual assessment for 2020, as calculated in the AAR, to the Director on or before March 1, 2021, or within thirty (30) days of closure.

**2.3 Requirement to Comply with Department's Directive.** Based upon the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.04.145, 31.04.027(1)(b), and WAC 208-620-550(14) for failing to comply with the Department's June 3, 2021, Directive.

1 **2.4 Requirement to Report Significant Developments.** Based upon the Factual Allegations set  
2 forth in Section I above, Respondents are in apparent violation of RCW 31.04.027(1)(b) and WAC  
3 208-620-490(2)(c) for failing to notify the Department in NMLS within ten (10) days of  
4 Respondents' change in primary company contact, primary consumer complaint contact, and for  
5 failing to notify the Department in NMLS within ten (10) days of Respondents' closure.

### 6 **III. AUTHORITY TO IMPOSE SANCTIONS**

7 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3), the Director may revoke a  
8 license for failure to pay any fee due to the state of Washington, failure to maintain the required  
9 surety bond, failure to comply with any specific order or demand, or failure to comply with any  
10 directive, 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 an order prohibiting from participation in the affairs of any licensee, any officer, principal,  
13 employee, mortgage loan originator, or any other person subject to the Act for a violation of RCW  
14 31.04.027 or RCW 31.04.155.

15 **3.3 Authority to Order Affirmative Action.** Pursuant to RCW 31.04.093(5)(b), the Director  
16 may issue an order directing a licensee, its employee, loan originator, or other person subject to the  
17 Act to take such affirmative action as is necessary to comply with the Act.

18 **3.4 Authority to Collect Annual Assessment.** Pursuant to RCW 31.04.085 and WAC 208-620-  
19 430, every licensee shall pay to the Director, on or before the first day of each March or within thirty  
20 (30) days of ceasing Washington operations, an annual assessment for the previous calendar year if  
21 the licensee had a license for any time during the preceding calendar year. Pursuant to RCW  
22 43.17.240, interest at the rate of one percent per month, or fraction thereof, shall accrue on debts owed to  
23 the state, starting on the date the debts become past due.

1 **3.5 Authority to Assess Late Report Penalties.** Pursuant to RCW 31.04.155 and WAC 208-620-  
2 430(2), a licensee that fails to file a report that is required to be filed by the Act, within the time frame  
3 required under the Act, is subject to a penalty of \$50.00 per item for each day of delay. The maximum  
4 late penalty that will be assessed is \$5,000.00 per year.

5 **3.6 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of  
6 up to \$100.00 per day, per violation, upon the licensee, its employee or loan originator, or any other  
7 person subject to the Act for any violation of the Act or failure to comply with any order or subpoena  
8 issued by the Director under the Act.

9 **3.7 Authority to Charge Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-  
10 610(7), every licensee investigated by the Director or the Director's designee shall pay for the cost of  
11 the investigation, calculated at the rate of \$69.01 per staff hour spent on the investigation.

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

#### 14 **IV. NOTICE OF INTENT TO ENTER ORDER**

15 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,  
16 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
17 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, RCW  
18 34.04.202, and RCW 31.04.205. Therefore, it is the Director's intent to ORDER that:

19 **4.1** Respondents Seneca One, LLC and Brian Nasser Javadpour's license to conduct the  
20 business of a consumer loan company be revoked.

21 **4.2** Respondents Seneca One, LLC and Brian Nasser Javadpour be prohibited from  
22 participation in the conduct of the affairs of any consumer loan company subject to  
23 licensure by the Director, in any manner, for a period of five (5) years.

24 **4.3** Respondents Seneca One, LLC and Brian Nasser Javadpour provide the Department  
with a complete CAR and AAR for 2020, including all required supporting  
documentation.

- 1       **4.4**     Respondents Seneca One, LLC and Brian Nasser Javadpour jointly and severally pay an  
2             annual assessment for 2020, as calculated in accordance with the instructions for the  
3             AAR, plus all accrued interest, or in an amount to be determined by declaration with  
4             supporting documentation in the event of default by Respondents.
- 5       **4.5**     Respondents Seneca One, LLC and Brian Nasser Javadpour jointly and severally pay a  
6             \$5,000.00 penalty for failing to timely file Respondents' CAR and AAR for 2020.
- 7       **4.6**     Respondents Seneca One, LLC and Brian Nasser Javadpour jointly and severally pay a  
8             fine, which as of the date of this Statement of Charges totals \$9,750.00.
- 9       **4.7**     Respondents Seneca One, LLC and Brian Nasser Javadpour jointly and severally pay  
10            an investigation fee, which as of the date of this Statement of Charges totals  
11            \$1,035.15.
- 12       **4.8**     Respondents Seneca One, LLC and Brian Nasser Javadpour jointly and severally pay the  
13            Department's costs and expenses for prosecuting violations of the Act in an amount to  
14            be determined at hearing or by declaration with supporting documentation in event of  
15            default by Respondents.
- 16       **4.9**     Respondents Seneca One, LLC and Brian Nasser Javadpour maintain records in  
17            compliance with the Act and provide the Department with the location of the books,  
18            records and other information relating to Respondents' consumer loan business, and  
19            the name, address and telephone number of the individual responsible for maintenance  
20            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 Intent to Enter an Order to Revoke License, Prohibit  
3 from Industry, File Annual Reports, Collect Annual Assessment, Assess Late Penalties, Impose Fine,  
4 Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) is entered  
5 pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202, and RCW  
6 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure  
7 Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF  
8 OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this  
9 Statement of Charges.

10 Dated this 18 day of January, 2022.



/s/

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

13 Presented by:

14

15 /s/

16 AMANDA B. STARNES  
Financial Legal Examiner

17 Approved by:

18 /s/

19 JACK McCLELLAN  
Enforcement Chief