

Terms Completed

ORDER SUMMARY – Case Number: C-21-3229

Name: Jon Darren Zapisek

Order Number: C-21-3229-22-FO01

Effective Date: March 16, 2022

License Number: NMLS No. 2108565
Or NMLS Identifier [U/L]

License Effect: Mortgage Loan Originator License Application Denied

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: _____

Investigation Costs	\$ N/A		Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Financial Literacy and Education	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

Comments: _____

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

4 IN THE MATTER OF INVESTIGATING:
The loan originator license application under the
Mortgage Broker Practices Act of Washington by:
5 JON DARREN ZAPISEK,
NMLS No. 2108565,
6 Respondent.

No.: C-21-3229-22-FO01
FINAL ORDER

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8 **I. DIRECTOR'S CONSIDERATION**

9 A. Default. This matter has come before the Director of the Washington State
10 Department of Financial Institutions (Director), through his designee, Consumer Services Division
11 Director, Lucinda Fazio (Director's designee), pursuant to RCW 34.05.440(1). On December 7,
12 2021, the Director, through the Director's designee, issued a Statement of Charges and Notice of
13 Intent to Enter an Order to Deny Application for License and Recover Costs and Expenses (Statement
14 of Charges) against Jon Darren Zapisek (Respondent). A copy of the Statement of Charges is
15 attached and incorporated into this order by this reference. The Statement of Charges was
16 accompanied by a cover letter dated December 9, 2021, a Notice of Opportunity to Defend and
17 Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent
(collectively, accompanying documents).

18 On September 20, 2021, the Department received confirmation from the Fairlawn, Ohio
19 Branch Office of the United States Postal Service that mail addressed to Respondent was being
20 delivered to an Akron, Ohio 44333 address (Akron Address). On December 9, 2021, the Department
21 served Respondent with the Statement of Charges and accompanying documents, sent by First-Class
22 mail and Federal Express overnight delivery to the Akron Address and an additional address
23 Respondent provided to the Nationwide Mortgage Licensing System and Registry (NMLS Address).

1 On December 10, 2021, the documents sent via Federal Express overnight delivery to the Akron
2 Address were delivered. On December 14, 2021, the documents sent via Federal Express overnight
3 delivery to the NMLS Address were returned to the Department as undeliverable. The documents
4 sent via First-Class mail to both addresses were not returned to the Department by the United States
5 Postal Service.

6 Respondent did not request an adjudicative hearing within twenty calendar days after the
7 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
8 in WAC 208-08-050(2).

9 B. Record Presented. The record presented to the Director's designee for her review and
10 for entry of a final decision included the Statement of Charges, cover letter dated December 9, 2021,
11 Notice of Opportunity to Defend and Opportunity for Hearing, blank Application for Adjudicative
12 Hearing for Respondent, with documentation of service, and the United States Postal Service's
13 address verification.

14 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
15 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

16 II. FINAL ORDER

17 Based upon the foregoing, and the Director's designee having considered the record and being
18 otherwise fully advised, NOW, THEREFORE:

19 A. IT IS HEREBY ORDERED, That:

20 Respondent Jon Darren Zapisek's application for a license to conduct the business of a
21 mortgage loan originator is denied.

22 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
23 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition

1 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
2 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
3 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
4 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
5 Reconsideration a prerequisite for seeking judicial review in this matter.

6 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the
7 date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a
8 written notice specifying the date by which it will act on a petition.

9 C. Stay of Order. The Director's designee has determined not to consider a Petition to
10 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
11 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

12 D. Judicial Review. Respondent has the right to petition the superior court for judicial
13 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
14 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

15 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
16 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
17 attached hereto.

18 DATED this 16th day of March, 2022.

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20 STATE OF WASHINGTON
21 DEPARTMENT OF FINANCIAL INSTITUTIONS



22 _____/s/
23 LUCINDA FAZIO, Director
24 Division of Consumer Services

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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
Mortgage Broker Practices Act of Washington by:

JON DARREN ZAPISEK,
NMLS No. 2108565,
Respondent.

No. C-21-3229-21-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY APPLICATION FOR
LICENSE and RECOVER COSTS AND
EXPENSES

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INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Washington State
Department of Financial Institutions (Director) is responsible for the administration of chapter 19.146
RCW, the Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to
RCW 19.146.310, 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:

14

I. FACTUAL ALLEGATIONS

15 **1.1 Respondent Jon Darren Zapisek (Respondent)** submitted an application to the Washington
16 State Department of Financial Institutions (Department) for a license to conduct the business of a
17 mortgage loan originator. The license application was received by the Department, through the
18 Nationwide Mortgage Licensing System and Registry (NMLS), on or about May 6, 2021.

19 **1.2 Failure to Disclose Prior Conviction.** On or about January 9, 2013, Respondent pled guilty
20 to two counts of [REDACTED]. On or about May 6, 2021,
21 Respondent submitted a mortgage loan originator license application through the NMLS. The
22 mortgage loan originator license application required the submission of a Multistate Uniform
23

1 Individual Licensure Form (MU4 Form), which contains a series of disclosure questions. The
2 following question was included in the MU4 Form:

3 **Criminal Disclosure**

4 (H)(1) Have you ever been convicted of or pled guilty or nolo contendere ("no
5 contest") in a domestic, foreign, or military court to committing or conspiring to
6 commit a misdemeanor involving: (i) financial services or a financial services-related
7 business, (ii) fraud, (iii) false statements or omissions, (iv) theft or wrongful taking of
8 property, (v) bribery, (vi) perjury, (vii) forgery, (viii) counterfeiting, or (ix) extortion?

9 Respondent answered "no" to this question. Respondent was obligated by statute to answer questions
10 on the MU4 Form truthfully and to provide the Department with complete details of all events or
11 proceedings for all events relevant to the above stated question.

12 **1.3 Failure to Disclose Prior Termination.** On or about April 29, 2016, Respondent was
13 discharged from Signator Investors, Inc. for failing to follow firm policies and procedures relating to
14 reporting financial disclosures on Form MU4. On or about May 6, 2021, Respondent submitted a
15 mortgage loan originator license application through the NMLS. The mortgage loan originator
16 license application required the submission of a MU4 Form, which contains a series of disclosure
17 questions. The following question was included in the MU4 Form:

18 **Termination Disclosure**

19 (Q) Have you ever voluntarily resigned, been discharged, or permitted to resign after
20 allegations were made that accused you of:
21 (1) violating statute(s), regulation(s), rule(s), or industry standards of conduct?
22 (2) fraud, dishonesty, theft, or the wrongful taking of property?

23 Respondent answered "no" to this question. Respondent was obligated by statute to answer questions
24 on the MU4 Form truthfully and to provide the Department with complete details of all events or
proceedings for all events relevant to the above stated question.

1.4 False Attestation. On or about May 6, 2021, Respondent attested, under penalty of perjury,
that the information and statements contained within the MU4 Form are "current, true, accurate, and

1 complete[.]” To date, Respondent’s MU4 Form has not been updated to disclose the prior conviction
2 or termination.

3 **1.5 Failed to Comply with the Department’s Investigation Authority.** On or about June 8,
4 2021, the Department sent Respondent an email to Respondent’s NMLS provided email address
5 regarding Respondent’s mortgage loan originator license application, including a request for
6 additional details regarding the prior conviction, and a response was due no later than June 22, 2021.
7 On July 6, 2021, the Department issued an Enforcement Directive regarding Respondent’s mortgage
8 loan originator license application, including a request for additional details regarding the prior
9 conviction, and a response was due no later than July 21, 2021. On August 24, 2021, the Department
10 issued an Enforcement Directive regarding Respondent’s mortgage loan originator license
11 application, including a request for additional details regarding the prior conviction, and a response
12 was due no later than September 8, 2021. On September 30, 2021, the Department issued an
13 Enforcement Directive regarding Respondent’s mortgage loan originator application, including a
14 request for additional details regarding the prior conviction, and a response was due no later than
15 October 15, 2021. To date, Respondent has not provided a response to the Department.

16 **1.6 On-Going Investigation.** The Department’s investigation into the alleged violations of the
17 Act by Respondent continues to date.

18 II. GROUNDS FOR ENTRY OF ORDER

19 **2.1 False Statements and Omissions of Material Facts.** Based on the Factual Allegations set
20 forth in Section I above, Respondent is in apparent violation of RCW 19.146.0201(8) and WAC 208-
21 660-500(3)(h) by negligently making false statements or willfully making omissions of material facts
22 in connection with any investigation conducted by the Department or in connection with any
23 application.

1 **2.2 Requirement to Comply with the Department’s Investigative Authority.** Based on the
2 Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW
3 19.146.235 for failing to comply with the Department’s investigative authority.

4 **III. AUTHORITY TO IMPOSE SANCTIONS**

5 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW
6 19.146.220(1), the Director may deny licenses to mortgage loan originators. Pursuant to RCW
7 19.146.310(2), if the Director does not find the conditions of RCW 19.146.310(1) have been met, the
8 Director shall not issue the mortgage loan originator license and shall notify the mortgage loan
9 originator applicant of the denial.

10 **3.2 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
11 may recover the state’s costs and expenses for prosecuting violations of the Act.

12 **IV. NOTICE OF INTENTION TO ENTER ORDER**

13 Respondent’s violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
14 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
15 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
16 RCW 19.146.223, and RCW 19.146.310. Therefore, it is the Director’s intention to ORDER that:

17 **4.1** Respondent Jon Darren Zapisek’s application for a license to conduct the business of a
18 mortgage loan originator be denied.

19 **4.2** Respondent Jon Darren Zapisek pay the Department’s costs and expenses for
20 prosecuting violations of the Act in an amount to be determined at hearing or by
21 declaration with 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 Deny Application for
3 License and Recover Costs and Expenses (Statement of Charges) is entered pursuant to the
4 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is
5 subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent
6 Jon Darren Zapisek may make a written request for a Brief Adjudicative Proceeding as set forth in
7 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF
8 ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

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10 Dated this 7th day of December, 2021.



15 _____ /s/
16 LUCINDA FAZIO, Director
17 Division of Consumer Services Department
18 of Financial Institutions

19 Presented by:

20 Approved by:

21 _____ /s/
22 KRISTINA M. SHENEFELT
23 Financial Legal Examiner

24 _____ /s/
JACK R. MCCLELLAN
Enforcement Chief