

TERMS COMPLETE

CONSENT ORDER SUMMARY - Case Number: C-05-241

Name(s) Michael Vaksman

Order Number C-05-241-09-CO01

Effective Date September 4, 2009

License Number N/A

License Effect Application denied

Not Apply until September 5, 2014

Prohibition/Ban until September 5, 2014

Investigation Costs	\$1,212	Due Sept. 4, 2009	Paid Y	Date Sept. 3, 2009
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Assessment(s)	\$180	Due Sept. 4, 2009	Paid Y	Date Sept. 3, 2009
This was interpreter cost				

Monetary Penalty	\$	Due	Paid Y N	Date
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Other

Special Instructions

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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
Mortgage Broker Practices Act of Washington by:

NO. C-05-241-09-CO01

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MICHAEL VAKSMAN and
TANYA VAKSMAN, AKA
TATYANA NEMIROVSKY,
Respondents.

CONSENT ORDER
MICHAEL VAKSMAN

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Michael Vaksman (hereinafter Respondent Michael Vaksman), through his attorney, Douglas L. Davies, 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 Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Michael Vaksman have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-05-241-06-SC01 (Statement of Charges), entered December 18, 2007, (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 Michael Vaksman 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. Respondent is agreeing not to further contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

CONSENT ORDER
C-05-241-09-CO01
Michael Vaksman

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

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

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

8 C. **No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of
9 Charges and agree that Respondent Michael Vaksman does not admit to any wrongdoing by its entry.

10 D. **License Application.** It is AGREED that Respondent Michael Vaksman's application for a loan
11 originator license is denied, and Respondent Michael Vaksman agrees not to apply for a license of any type under
12 any name with the Department for a period of five (5) years from the date of entry of this Consent Order.

13 E. **Prohibition from Industry.** It is AGREED that Respondent Michael Vaksman is prohibited from
14 participating in the conduct of the affairs of any mortgage broker licensed by the Department or any person subject
15 to licensure or regulation by the Department for five (5) years from the date of entry of this Consent Order in any
16 capacity.

17 F. **Investigation Fee.** It is AGREED that Respondent Michael Vaksman shall pay to the Department an
18 investigation fee of \$1,212, in the form of a cashier's check made payable to the "Washington State Treasurer,"
19 upon entry of this Consent Order.

20 G. **Interpreter Cost.** It is AGREED that Respondent Michael Vaksman shall pay to the Department an
21 interpreter cost of \$180, in the form of a cashier's check made payable to the "Washington State Treasurer," upon
22 entry of this Consent Order.

23 H. **Total Monies Owed:** It is AGREED and understood by all parties that the total monies owed to
24 the Department are a joint and several liability of both Respondent Tanya Vaksman and Respondent Michael

1 Vaksman and may be paid by either Respondent in the form of one cashier's check made payable to the
2 "Washington State Treasurer" in the amount of \$1,392. It is further AGREED and understood that full
3 payment of \$1,392 in the form of a cashier's check by either Respondent will serve to satisfy the monetary
4 requirements of this Consent Order and Consent Order number C-05-241-09-CO02.

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

9 J. **Voluntarily Entered.** It is AGREED that the undersigned Respondent Michael Vaksman has
10 voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

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

13 **RESPONDENT:**
14 **Michael Vaksman**

15 By:



16 Michael Vaksman
17 Individually

08/31/09
Date

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19 Douglas L. Davies, WSBA No. 16750
20 Attorney at Law
21 Attorney for Respondents

9/1/09
Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 4th DAY OF September, 2009.

[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted Name]

FATIMA BATIE
Financial Legal Examiner Supervisor



Approved by:

[Redacted Name]

JAMES R. BRUSSELBACK
Enforcement Chief

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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:

MICHAEL VAKSMAN and
TANYA VAKSMAN, AKA
TATYANA NEMIROVSKY

Respondents.

NO. C-05-241-06-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION,
IMPOSE FINE, PROHIBIT FROM INDUSTRY, AND
COLLECT INVESTIGATION FEE AND COST

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act).¹ After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of this Statement of Charges, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Respondent Michael Vaksman submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Clarion Mortgage Capitol Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 14, 2006. Respondent Michael Vaksman submitted a Form MU4 transferring his loan originator application for a loan originator license to Premier Mortgage Resources, LLC d/b/a Premier Mortgage Resources of Washington, a mortgage broker

¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 licensed under the Act. The transfer Form MU4 was received by the Department on or about May 23,
2 2007. At all times pertinent to the Factual Allegations set forth in paragraph 1.2 Respondent Michael
3 Vaksman was employed as a loan originator with Liberty Financial Group, Inc. (Liberty Financial).

4 **B. Respondent Tanya Vaksman** submitted an application to the Department for a loan
5 originator license under Silver State Financial Services, Inc d/b/a Silver State Mortgage, a consumer
6 loan licensee under the Consumer Loan Act until June 12, 2007. The on-line application was received
7 by the Department on or about January 30, 2007. Respondent Tanya Vaksman filed a Form MU4
8 transferring her loan originator application for a loan originator license to Premier Mortgage
9 Resources, LLC d/b/a Premier Mortgage Resources of Washington, a mortgage broker licensed under
10 the Act. The transfer Form MU4 was received by the Department on or about May 23, 2007. At all
11 times pertinent to the Factual Allegations set forth in paragraph 1.2, Respondent Tanya Vaksman was
12 employed as a loan originator with Liberty Financial.
13

14 **1.2 Fictitious Income Verifications.** During at least February 2005 through November 2005,
15 Respondents Tanya and Michael Vaksman submitted fictitious income verification letters in the course
16 of originating loans. The borrowers whose loan application files contained the fictitious verification
17 letters obtained loans from Liberty Financial through Respondents Michael and Tanya Vaksman.
18

19 On or about November 17, 2005, the Department received a complaint indicating that
20 Respondents used fictitious income verification letters printed on Complainant's company letterhead
21 and using Complainant's name, and that Respondents submitted the letters to Liberty Financial as a
22 part of the borrowers' application packages. Complainant did not prepare the letters, and the persons
23 named in the letters were not Complainant's clients. The Complainant stated that Respondent Michael
24 Vaksman had previously offered to pay Complainant up to \$450 to write such letters for him.
25 Complainant stated that he refused to write letters for Respondent Michael Vaksman.

1 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the
2 Act by Respondents continues to date.

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

4 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent
5 Michael Vaksman and Respondent Tanya Vaksman are in apparent violation of RCW 19.146.0201(1),
6 (2) and (3)² for directly or indirectly employing a scheme, device or artifice to defraud or mislead
7 borrowers or lenders or any person, engaging in an unfair or deceptive practice toward any person, and
8 obtaining property by fraud or misrepresentation.

9 **2.2 Requirement to Demonstrate Character and General Fitness.** Based on the Factual
10 Allegations set forth in Section I above, Respondent Michael Vaksman and Respondent Tanya
11 Vaksman fail to meet the requirements of RCW 19.146.310(1)(g) and WAC 208-660-350(2)(a) by
12 failing to demonstrate character and general fitness such as to command the confidence of the
13 community and to warrant a belief that the business will be operated honestly and fairly within the
14 purposes of the Act.

15 **III. AUTHORITY TO IMPOSE SANCTIONS**

16 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
17 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
18 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
19 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
20 of the denial.
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25 ² RCW 19.146 as effective until December 31, 2006, however citations remain the same under Act as effective January 1, 2007.

1 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i)³ and WAC 208-660-165⁴, the
2 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person
3 subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (12).

4 **3.3 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e)(i)⁵, the
5 Director may issue orders removing from office or prohibiting from participation in the conduct of the
6 affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of
7 any licensed mortgage broker or any person subject to licensing under the Act for any violation of
8 RCW 19.146.0201(1) through (9) or (12).

9 **3.4 Authority to Collect Investigation Fee and Costs.** Pursuant to RCW 19.146.228(2)⁶, WAC
10 208-660-060(4)⁷ and WAC 208-660-061⁸, upon completion of any investigation of the books and
11 records of a licensee or other person subject to the Act, the Department will furnish to the licensee or
12 other person subject to the Act a billing to cover the cost of the investigation. The investigation
13 charge will be calculated at the rate of forty-eight dollars (\$48.00) per hour that each staff person
14 devoted to the investigation.
15

16 IV. NOTICE OF INTENTION TO ENTER ORDER

17 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
18 as set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the
19

20 ³ RCW 19.146 as effective until December 31, 2006, under the Act as effective January 1, 2007 the citation is
21 19.146.220(3)(a).

⁴ RCW 19.146 as effective until December 31, 2006, under the Act as effective January 1, 2007 the citation is WAC 208-
22 660-530(6).

⁵ RCW 19.146 as effective until December 31, 2006, under the Act as effective January 1, 2007 the citation is RCW
23 19.146.220(5)(a).

⁶ RCW 19.146 as effective until December 31, 2006, however citations remain the same under Act as effective January 1,
24 2007.

⁷ RCW 19.146 as effective until December 31, 2006, under the Act as effective January 1, 2007 the citation is WAC 208-
25 660-520(9).

⁸ RCW 19.146 as effective until December 31, 2006, under the Act as effective January 1, 2007 the citation is WAC 208-
660-550(5).

1 entry of an Order under RCW 19.146.220⁹, RCW 19.146.221¹⁰ and RCW 19.146.223¹¹. Therefore, it
2 is the Director's intention to ORDER that:

3 **4.1** Respondent Michael Vaksman's application for a loan originator license be denied.

4 **4.2** Respondent Tanya Vaksman's application for a loan originator license be denied.

5 **4.3** Respondents Michael Vaksman and Tanya Vaksman jointly and severally pay a fine of
6 \$27,000.00

7 **4.4** Respondent Michael Vaksman be prohibited from participation in the conduct of the affairs of any
8 mortgage broker subject to licensure by the Director, in any manner, for a period of five (5) years; and

9 **4.5** Respondent Tanya Vaksman be prohibited from participation in the conduct of the affairs of any
10 mortgage broker subject to licensure by the Director, in any manner, for a period of five (5) years; and

11 **4.6** Respondents Michael Vaksman and Tanya Vaksman jointly and severally pay an investigation fee
12 in the amount of \$1,212.00 calculated at \$48.00 per hour for the twenty-five and one-quarter (25.25) staff
13 hours devoted to the investigation.

14 **4.7** Respondents Michael Vaksman and Tanya Vaksman jointly and severally pay interpreter cost of
15 \$180.

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⁹ RCW 19.146 as effective until December 31, 2006, however citations remain the same under Act as effective January 1, 2007.

¹⁰ RCW 19.146 as effective until December 31, 2006, however citations remain the same under Act as effective January 1, 2007.

¹¹ RCW 19.146 as effective until December 31, 2006, however citations remain the same under Act as effective January 1, 2007.

V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application, Impose Fine, Prohibit from Industry, And Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 18th day of December, 2007.


DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


FATIMA BATIE
Financial Legal Examiner Supervisor



Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief