

ORDER SUMMARY – Case Number: C-09-128

Name(s): Mi Casa Latina USA
Tetyana Strelbytska
Jose Carino

Order Number: C-09-128-12-CO01

Effective Date: April 12, 2012

License Number: Mi Casa – NMLS ID: 940210; Carino – NMLS ID: 940077
Or NMLS Identifier [U/L] Strelbytska – DFI: #35933 NMLS ID: 940076

License Effect: none

Not Apply Until: April 12, 2022

Not Eligible Until: April 12, 2022

Prohibition/Ban Until: April 12, 2022

Investigation Costs	\$1,488	Due: See Satisfaction of Judgment	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 7/22/2013
Fine	\$	Due	Paid <input 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
Judgment	\$1,488	Due:	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date:
Satisfaction of Judgment Filed?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N 9/11/2013			
	No. of Victims:			

Comments: Prohibition is from MBPA and CLA. Not apply provision is for any license issued by the Department.

1 Order to fully resolve the Statement of Charges. Respondents are agreeing not to contest the
2 Statement of Charges in consideration of the terms 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 Respondents have been informed of the right to a
7 hearing before an administrative law judge, and hereby waive their 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, Respondents, by their signatures below, withdraw their appeal to the Office of
10 Administrative Hearings.

11 **C. Prohibition from Industry.** It is AGREED that, for a period of 10 years from the date of
12 entry of this Consent Order, Respondents are prohibited from participating in the conduct of the
13 affairs of any mortgage broker or consumer loan company licensed by the Department or subject to
14 licensure or regulation by the Department, in any capacity, including but not limited to: (1) any
15 financial capacity whether active or passive; or (2) as an officer, director, principal, partner, LLC
16 member, designated broker, employee, or loan originator; or (3) any management, control, oversight
17 or maintenance of any trust account(s) in any way related to any residential transaction; or (4)
18 receiving, disbursing, managing or controlling in any way, consumer trust funds in any way related to
19 any residential mortgage transaction.

20 **D. Application for License.** It is AGREED that, for a period of 10 years from the date of
21 entry of this Consent Order, Respondents shall not apply to the Department for any license under any
22 name. It is further AGREED that, should Respondents apply to the Department for any license under
23

1 any name at any time later than 10 years from the date of entry of this Consent Order, such applying
2 Respondents shall be required to meet any and all application requirements in effect at that time.

3 **E. Declaration of Financial Condition and Confession of Judgment.** It is AGREED that
4 Respondents have provided the Department with a Declaration comprehensively describing their
5 current financial condition and representing their current inability to pay the investigation fee
6 obligations agreed to in Paragraph F of this Consent Order. It is further AGREED that, based on this
7 Declaration, the Department has accepted a Confession of Judgment from Respondents for the
8 investigation fee obligation agreed to in Paragraph F of this Consent Order. A copy of this
9 Confession of Judgment is attached and incorporated into this Consent Order by this reference.
10 Consistent with RCW 4.60, the Department may immediately seek entry of the judgment.
11 Respondents shall, upon the Department's request, fully and promptly cooperate with the Department
12 in its efforts to get the judgment entered by the superior court.

13 **F. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
14 investigation fee of \$1,488.

15 **G. Confession of Judgment for Investigation Fee.** It is AGREED that Respondents have
16 entered into a Confession of Judgment for an investigation fee in the amount of \$1,488 owed to the
17 Department.

18 **H. Change of Address.** It is AGREED that for the duration of the period this Consent Order
19 is in effect, unless otherwise agreed to in writing by the Department, Respondents shall provide the
20 Department with a mailing address and telephone number at which Respondents can be contacted and
21 shall notify the Department in writing of any changes to their mailing address or telephone number
22 within 15 days of any such change.

1 I. **Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
2 consent of any person or entity not a party to this Consent Order to take any action concerning their
3 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
4 Order, this Consent Order does not limit or create any private rights or remedies against Respondents,
5 limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

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

9 K. **Non-Compliance with Order.** It is AGREED that Respondents understand 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, Respondents may be responsible to reimburse the Director
12 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

13 L. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily
14 entered into this Consent Order, which is effective when signed by the Director's designee.

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

17 **RESPONDENTS:**

18 **Mi Casa Latina USA, Inc.**

19 By: 

20 Tetyana Strelbytska
21 President

22 
23 Tetyana Strelbytska
24 Individually

04-02-12

Date

04-02-12

Date

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[Redacted]

04/02/2012

Jose Carino
Individually

Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 12th DAY OF April, 2012



[Redacted]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted]

STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:

[Redacted]

JAMES R. BRUSSELBACK
Enforcement Chief

2013 SEP 11 AM 11:26

BETTY J. GOULD, CLERK

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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF FINANCIAL
INSTITUTIONS,

Petitioner,

v.

MI CASA LATINA USA, INC.,
TETYANA STRELBYTSKA, and
JOSE CARINO,

Respondents.

NO. 12-2-00859-8

SATISFACTION OF JUDGMENT

(CLERK'S ACTION REQUIRED)

JUDGMENT SUMMARY

Judgment Creditor:	State of Washington, Department of Financial Institutions
Attorneys for Judgment Creditor:	Robert W. Ferguson Attorney General
	Susan P. Jensen Assistant Attorney General WSBA #12187
Judgment Debtor:	Mi Casa Latina USA, Inc., Tetyana Strelbytska and Jose Carino
Amount of Judgment:	\$1,488.00
Post-Judgment Interest (Per Annum):	12%
Total Judgment:	<u>\$1,597.39</u>

1 WHEREAS Petitioner, State of Washington Department of Financial Institutions
2 (Department), the judgment creditor in the above-described action, obtained a judgment in the
3 amount of \$1,488.00 plus statutory interest against Respondents Mi Casa Latina USA, Inc.,
4 Tetyana Strelbytska and Jose Carino on April 20, 2012, and the judgment has been fully
5 satisfied.

6 NOW THEREFORE, full satisfaction of judgment is hereby acknowledged and the
7 clerk of the court is authorized and directed to cancel, satisfy and discharge the judgment.

8 Dated this 28th day of August, 2013.

9
10 _____
11 Charles Clark
12 Enforcement Program Manager
13 Division of Consumer Services
14 Department of Financial Institutions
15 Judgment Creditor

14 STATE OF WASHINGTON)
15) ss.
16 COUNTY OF THURSTON)

16 I certify that I know or have satisfactory evidence that CHARLES CLARK
17 signed this instrument, on oath and stated that he was authorized to execute the instrument and
18 acknowledged it pursuant to his authority delegated from the Director of the Division of
19 Consumer Services of the Washington State Department of Financial Institutions.

19 GIVEN under my hand and official seal this 28th day of AUGUST, 2013.

20 _____
21 NOTARY PUBLIC, My Commission
22 Expires: 3/21/16



RECEIVED

APR 10 2012

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS

In the Matter Of:

MI CASA LATINA USA, INC., TETYANA
STRELBYTSKA, and JOSE CARINO,

Respondents.

Agency No. C-09-128-11-SC01

CONFESSION OF JUDGMENT

(Clerk's Action Required)

Judgment Summary

Judgment Creditors:	Department of Financial Institutions (DFI)
Attorneys for Department of Financial Institutions:	Robert M. McKenna, Washington Attorney General Victor M. Minjares, Assistant Attorney General
Judgment Debtors:	Mi Casa Latina USA, Inc., Tetyana Strelbytska, and Jose Carino, jointly and severally
Principal Judgment Amount:	\$1,488.00 investigation fee owed to DFI
Total Judgment Amount:	\$1,488.00
Post-Judgment Interest (per annum)	Twelve percent (12%)
Other Costs and Fees:	Each party shall otherwise bear their own costs and fees.

Pursuant to Chapter 4.60 of the Revised Code of Washington, Judgment by Confession, Respondents
Mi Casa Latina USA, Inc., Tetyana Strelbytska, and Jose Carino hereby authorize entry of a judgment
under the following terms:

CONFESSION OF JUDGMENT

1

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

1 I understand each party shall otherwise bear their own costs and fees, including attorney's fees.

2 DATED this 2nd
4th day of APRIL, 2012.
Am

3 [Redacted]
4 JOSE CARINO
5 Individual

6 [Redacted]
7 TETYANA STRELBYTSKA
8 Individual

9 MI CASA LATINA USA, INC.
10 Tetyana Strelbytska, as President, ~~Designated~~ ^{T.S.}
~~Broker~~, and Owner of Mi Casa Latina USA, Inc.

11 SUBSCRIBED AND SWORN TO before me in Seattle, Washington
12 this 2nd day of APRIL, 2012.



13 [Redacted]
14 Notary Public in and for the State of
15 Washington, residing at King,
16 county.
17 My Commission expires: 09/01/15

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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 jointly and severally against Mi Casa Latina USA, Inc., Tetyana Strelbytska, and Jose Carino, in accordance with the terms of the Confession of Judgment.

DONE IN OPEN COURT this ____ day of _____, 2012.

JUDGE/COMMISSIONER

Presented by:

ROBERT M. MCKENNA
Attorney General

VICTOR M. MINJARES
WSBA No. 33946
Assistant Attorney General
Attorneys for State of Washington
Department of Financial Institutions

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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:

MI CASA LATINA USA, INC.,
TETYANA STRELBYTSKA, President, Owner,
and Loan Originator, and
JOSE CARINO, Unlicensed Loan Originator,

Respondents.

No. C-09-128-11-SC01

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

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)¹. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of date of this Statement of Charges, the Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Mi Casa Latina USA, Inc. (Mi Casa)** has never been licensed by the Department to conduct business as a mortgage broker or consumer loan company. The address for Mi Casa which was registered with the Washington Department of Revenue and Secretary of State was 9707 Slater Ave. NE, Kirkland, Washington; a residence owned by Respondent Strelbytska.

¹ RCW 19.146 (2006)
STATEMENT OF CHARGES
C-09-128-11-SC01
Mi Casa Latina USA, Inc.
Tatyana Strelbytska
Jose Carino

1 B. **Tatyana Strelbyska (Strelbytska)** is the President and Owner of Respondent Mi
2 Casa. Respondent Strelbyska was licensed by the Department as a loan originator from about 2007 to
3 December 31, 2008, when her license expired.

4 C. **Jose Carino (Carino)** is believed to be the husband of Respondent Strelbytska and a
5 “loan officer” for Respondent Mi Casa. Respondent Carino has never been licensed by the
6 Department to conduct business as a mortgage broker, consumer lender, or loan originator.

7 **1.2 Unlicensed Activity.** In about May 2007, borrower J.D. responded to a Spanish
8 advertisement and called Respondent Mi Casa to obtain a refinance of his residential mortgage loan.
9 J.D. was referred to Respondent Carino, who assisted J.D. with obtaining a residential mortgage loan.
10 The loan closed on or about June 15, 2007.

11 In about early 2008, but before February 25, 2008, borrower R.A. met with Respondent
12 Carino to get assistance with purchasing a primary residence. Respondent Carino provided R.A. with
13 a business card identifying Respondent Carino as a “Loan Officer” for “Mi Casa Latina USA,”
14 showed several homes to R.A., and assisted R.A. with applying for a residential mortgage loan.

15 **1.3 Prohibited Acts.** Page three of the loan application provided to the Department by borrower
16 J.D. states that the application was taken by Respondent Strelbytska by telephone on June 15, 2007,
17 on behalf of Nationwide Home Lending, LLC.² The application also bears the apparent signature of
18 Respondent Strelbytska. Borrower J.D., however, reported he never met or spoke with Respondent
19 Strelbytska and was assisted only by Respondent Carino.

20 **1.4 Failure to Display License Numbers.** Respondent Strelbytska did not include her loan
21 originator license number on the application for borrower J.D.

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23
24 ² Respondent Strelbytska was registered with the Department as a loan originator for Nationwide Home Lending, LLC,
at the time of the application.

1 **1.5 Misrepresentation of Borrower Information.** On page two of borrower J.D.'s loan
2 application, Respondents stated J.D.'s monthly income as \$12,750 per month after J.D. had informed
3 Respondent Carino that his actual income was only \$16 per hour.

4 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the
5 Act by Respondents continues to date.

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

7 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
8 "Mortgage broker" means any person who, for compensation or gain, or in the expectation of
9 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage
10 loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to
11 obtain a residential mortgage loan.

12 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11) and WAC 208-660-006,
13 "Loan originator" means a natural person who for direct or indirect compensation or gain, or in the
14 expectation of direct or indirect compensation or gain: takes a residential mortgage loan application
15 for a mortgage broker; offers or negotiates terms of a mortgage loan; performs residential mortgage
16 loan modification services; or holds themselves out to the public as able to perform any of these
17 activities.

18 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(3) and WAC 208-660-006,
19 "Borrower" means any person who consults with or retains a mortgage broker or loan originator in an
20 effort to obtain or seek advice or information on obtaining or applying to obtain a residential
21 mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the
22 person actually obtains such a loan.

1 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
2 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
3 and WAC 208-660-155 for engaging in the business of a mortgage broker without first obtaining and
4 maintaining a license under the Act.

5 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
6 Allegations set forth in Section I above, Respondent Carino is in apparent violation of RCW
7 19.146.200(1) and WAC 208-660-155 for engaging in the business of a loan originator without first
8 obtaining and maintaining a license under the Act.

9 **2.6 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent
10 Strelbytska is in apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly
11 employing a scheme, device or artifice to defraud or mislead borrowers or lenders or any person,
12 engaging in an unfair or deceptive practice toward any person, and obtaining property by fraud or
13 misrepresentation.

14 **2.7 Requirement to Display Loan Originator License Number.** Based on the Factual
15 Allegations set forth in Section I above, Respondent Strelbytska is in apparent violation of RCW
16 19.146.0201(2) and WAC 208-660-350(26) for failing to include her loan originator license number
17 following her name on a residential mortgage loan application.

18 **2.8 Requirement to Provide Accurate Information on Loan Applications.** Based on the
19 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW
20 19.146.0201(2) for providing inaccurate information on a residential loan application.

21 III. AUTHORITY TO IMPOSE SANCTIONS

22 **3.1 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
23 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a

1 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
2 mortgage broker or any person subject to licensing under the Act for: any violation of RCW
3 19.146.0201(1) through (9) or RCW 19.146.200, RCW 19.146.205(4).

4 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
5 against a licensee or other persons subject to the Act for any violation of the Act.

6 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
7 520(9) & (11), and WAC 208-660-550(5)(a), the Department will charge \$48 per hour for an
8 examiner's time devoted to an investigation of a licensee or other person subject to the Act.

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

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

14 **4.1** Respondent Mi Casa Latina USA, Inc. be prohibited from participation in the conduct of the
15 affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of five
16 years.

17 **4.2** Respondent Tetyana Strelbytska be prohibited from participation in the conduct of the affairs
18 of any mortgage broker subject to licensure by the Director, in any manner, for a period of five years.

19 **4.3** Respondent Jose Carino be prohibited from participation in the conduct of the affairs of any
20 mortgage broker subject to licensure by the Director, in any manner, for a period of five years.

21 **4.4** Respondents Mi Casa Latina USA, Inc., Tetyana Strelbytska, and Jose Carino jointly and
22 severally pay a fine which as of the date of these charges totals \$10,000.

1 4.5 Respondents Mi Casa Latina USA, Inc., Tetyana Strelbytska, and Jose Carino jointly and
2 severally pay an investigation fee which as of the date of these charges totals \$1,488.

3 4.6 Respondents Mi Casa Latina USA, Inc., Tetyana Strelbytska, and Jose Carino maintain
4 records in compliance with the Act and provide the Department with the location of the books,
5 records and other information relating to Respondents' mortgage broker business, and the name,
6 address and telephone number of the individual responsible for maintenance of such records in
7 compliance with the Act.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter
4 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a
5 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
6 HEARING accompanying this Statement of Charges.

7
8 Dated this 2nd day of August, 2011



9 [Redacted signature]

10
11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 [Redacted signature]

17 STEVEN C. SHERMAN
18 Financial Legal Examiner

19 Approved by:

20 [Redacted signature]

21 JAMES R. BRUSSELBACK
22 Enforcement Chief