

ORDER SUMMARY – Case Number: C-12-1047

Name(s): 1st Call Consultants LLC; Jason Sarnowski

Order Number: C-12-1047-12-CO01

Effective Date: January 15, 2013

License Number: N/A
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: N/A

Not Apply Until: January 15, 2018

Not Eligible Until: January 15, 2018

Prohibition/Ban Until: n/a

Investigation Costs	\$ 168	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/10/2013
Fine	\$1,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/10/2013
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$995	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/15/2013
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments:

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

3 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a
4 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all
5 administrative and judicial review of the issues raised in this matter, or of the resolution reached
6 herein.

7 **C. Application for License.** It is AGREED that, for a period of five years from the date of
8 entry of this Consent Order, Respondents shall not apply to the Department for any license issued
9 under the Mortgage Broker Practices Act or Consumer Loan Act under any name. It is further
10 AGREED that Respondents shall be required to meet any and all application requirements in effect at
11 that time.

12 **D. Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount of
13 \$1,000, in the form of a cashier's check made payable to the "Washington State Treasurer," upon
14 entry of this Consent Order.

15 **E. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
16 investigation fee of \$168, in the form of a cashier's check made payable to the "Washington State
17 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together
18 in one \$1,168 cashier's check made payable to the "Washington State Treasurer."

19 **F. Restitution.** It is AGREED that Respondents paid restitution to the one Washington
20 consumer identified in paragraph 1.3 of the Statement of Charges.

21 **G. Records Retention.** It is AGREED that Respondents, its officers, employees, and agents
22 shall maintain records in compliance with the Act and provide the Director with the location of the
23 books, records and other information relating to Respondent's mortgage broker business, and the

1 name, address and telephone number of the individual responsible for maintenance of such records in
2 compliance with the Act.

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

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

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

11 **RESPONDENTS:**

12 **1st Call Consultants, LLC and Jason Sarnowski**

13 By:

14 [Redacted Signature]

15 Jason Sarnowski
16 Owner

14 1/4/13
Date

16 [Redacted Signature]

17 Jason Sarnowski
18 Individually

16 1/4/13
Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 15th DAY OF January, 2012 3 AB



[Redacted signature area]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted signature area]

DEBORAH TAEILLIOUS
Financial Legal Examiner

Approved by:

[Redacted signature area]

CHARLES E. CLARK
Enforcement Chief

1 contractual relationship with at least one Washington consumer to provide those services and collected
2 an advance fee for the provision of those services. The Department has received at least one
3 complaint from a Washington consumer alleging Respondents provided or offered to provide
4 residential mortgage loan modification services while not licensed by the Department to provide those
5 services. At least, Consumer [REDACTED]. paid Respondents a fee of \$995.

6 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to
7 provide the residential mortgage loan modification services or omitted disclosing that they were not
8 licensed to provide those services.

9 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
10 Act by Respondents continues to date.

11 II. GROUNDS FOR ENTRY OF ORDER

12 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
13 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of
14 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
15 or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person
16 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a
17 person "'assists a person in obtaining or applying to obtain a residential mortgage loan' by, among
18 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages...."

19 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a
20 natural person who for direct or indirect compensation or gain, or in the expectation of direct or indirect
21 compensation or gain: takes a residential mortgage loan application for a mortgage broker; offers or
22 negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform any of
23 these activities.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
2 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
3 toward any person and obtaining property by fraud or misrepresentation.

4 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
5 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
6 for engaging in the business of a mortgage broker for Washington residents or property without first
7 obtaining a license to do so.

8 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
9 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
10 for engaging in the business of a loan originator without first obtaining and maintaining a license.

11 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
12 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
13 location that is on file with and readily available to the Department until at least twenty-five months
14 have elapsed following the effective period to which the books and records relate.

15 **III. AUTHORITY TO ORDER PRODUCTION OF RECORDS**

16 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
17 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,
18 accounts, records, files, and any other documents the director or designated person deems relevant to
19 an investigation.

20 **IV. AUTHORITY TO IMPOSE SANCTIONS**

21 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
22 Director may issue orders directing any person subject to the Act to cease and desist from conducting
23 business.

1 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
2 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
3 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
4 (13), or RCW 19.146.200.

5 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
6 restitution against any person subject to the Act for any violation of the Act.

7 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
8 against any person subject to the Act for any violation of the Act.

9 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
10 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
11 to an investigation of any person subject to the Act.

12 **V. NOTICE OF INTENT TO ENTER ORDER**

13 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as
14 set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
15 and RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

16 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

17 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
18 modification services transactions with Washington consumers, including the name, address,
19 and phone numbers of the consumers, the transaction date, and fees collected by Respondents
20 for the provision of those services.

21 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage
22 broker subject to licensure by the Director, in any manner, for a period of five years.

23 **5.4** Respondents jointly and severally pay restitution to the one consumer identified by the
24 Department in paragraph 1.3 as having paid \$995 to Respondents, and that Respondents jointly
and severally pay restitution to each Washington consumer with whom they entered into a
contract for residential mortgage loan modification services related to real property or
consumers located in the state of Washington equal to the amount collected from that
Washington consumer for those services in an amount to be determined at hearing.

1 5.5 Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
2 transaction entered into with Washington consumers. As of the date of this Statement of
Charges, the fine totals \$3,000.

3 5.6 Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of
4 the date of this Statement of Charges, the investigation fee totals \$168.

5 5.7 Respondents maintain records in compliance with the Act and provide the Department with the
6 location of the books, records and other information relating to Respondents' provision of
7 residential mortgage loan modification services in Washington, and the name, address and
8 telephone number of the individual responsible for maintenance of such records in compliance
9 with the Act.

VI. AUTHORITY AND PROCEDURE

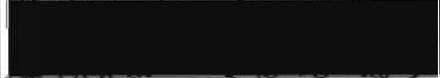
10 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
11 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
12 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
13 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
14 accompanying this Statement of Charges.

15 Dated this 21th day of September, 2012.



DEBORAH BORTNER
Director, Division of Consumer Services
Department of Financial Institutions

18 Presented by:



DEBORAH TAEILLIOUS
Financial Legal Examiner

21 Approved by:



CHARLES E. CLARK
Enforcement Chief

