

ORDER SUMMARY – Case Number: C-14-1524

Name(s): Law Offices of Leslie Richards, PC
 Leslie Richards
 Jason Lesner

Order Number: C-14-1524-14-CO01

Effective Date: March 6, 2015

License Number: Unlicensed
Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: March 6, 2020

Not Eligible Until: March 6, 2020

Prohibition/Ban Until: March 6, 2020

Investigation Costs	\$720	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 3/5/2015
Fine	\$780	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 3/5/2015
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$2,600	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date:
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:

Cease and Desist

1 wrongdoing by its entry. Respondents are agreeing not to contest the Statement of Charges in
2 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. No Admission of Liability.** The parties intend this Consent Order to fully resolve the
12 Statement of Charges and agree that Respondents do not admit to any wrongdoing by its entry.

13 **D. Cease and Desist.** It is AGREED that Respondents shall cease and desist from
14 conducting the business of a mortgage broker or loan originator as related to Washington property or
15 consumers without obtaining and maintaining a license or qualifying for an exemption from licensure
16 under the Act.

17 **E. Prohibition from Industry.** It is AGREED that, for a period of 5 years from the date of
18 entry of this Consent Order, Respondents are prohibited from participating, in any capacity, in the
19 conduct of the affairs of any mortgage broker licensed by the Department or subject to licensure or
20 regulation by the Department as related to Washington property or consumers.

21 **F. Restitution.** It is AGREED that Respondents shall pay restitution to Washington
22 consumer V.R. in the amount of \$2,600.

1 **G. Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount of
2 \$780, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry
3 of this Consent Order.

4 **H. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
5 investigation fee of \$720, in the form of a cashier's check made payable to the "Washington State
6 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together
7 in one \$1,500 cashier's check made payable to the "Washington State Treasurer."

8 **I. Records Retention.** It is AGREED that Respondent Law Offices of Leslie Richards,
9 P.C., its officers, employees, and agents shall maintain records in compliance with the Act and
10 provide the Director with the location of the books, records and other information relating to
11 Respondent Law Offices of Leslie Richards, P.C.'s provision of residential mortgage loan
12 modification services in Washington, and the name, address and telephone number of the individual
13 responsible for maintenance of such records in compliance with the Act.

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

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

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

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

1 **RESPONDENTS:**

2 **Law Offices of Leslie Richards, P.C.**

3 By: [Redacted]

4 Leslie Richards

5 Owner

6 Leslie Richards

7 Individually

8 Jason Lesner

9 Individually

Date 01/15/15

Date 01/15/15

Date 01/15/15

10 DO NOT WRITE BELOW THIS LINE

11 THIS ORDER ENTERED THIS 6th DAY OF March, 2015.

12 [Redacted Signature]

13 CHARLES E. CLARK
14 Director, Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

17 [Redacted Signature]

18 KENNETH J. SUGIMOTO
19 Financial Legal Examiner



20 Approved by:

21 [Redacted Signature]

22 STEVEN C. SHERMAN
23 Enforcement Chief

1 person “assists a person in obtaining or applying to obtain a residential mortgage loan’ by, among
2 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages....”

3 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a
4 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
5 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
6 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform
7 any of these activities.

8 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
9 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
10 toward any person and obtaining property by fraud or misrepresentation.

11 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
12 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
13 for engaging in the business of a mortgage broker for Washington residents or property without first
14 obtaining a license to do so.

15 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
16 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
17 for engaging in the business of a loan originator without first obtaining and maintaining a license.

18 **2.6 Prohibition against Taking Advance Fees.** Based on the Factual Allegations set forth in
19 Section I above, Respondents are in apparent violation of RCW 19.146.0201(11) and 16 CFR 322
20 (MARS Rule) for taking advance fees for loan modification services.

21 **III. AUTHORITY TO IMPOSE SANCTIONS**

22 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
23 Director may issue orders directing any person subject to the Act to cease and desist from conducting
24 business.

1 **3.2 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 **3.3 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 **3.4 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 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
10 550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted to
11 an investigation of any person subject to the Act.

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1 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

- 5 **4.1** Respondents Law Offices of Leslie Richards, P.C., Leslie Richards, and Jason Lesner cease
6 and desist engaging in the business of a mortgage broker or loan originator.
- 7 **4.2** Respondents Law Offices of Leslie Richards, P.C., Leslie Richards, and Jason Lesner be
8 prohibited from participation, in any manner, in the conduct of the affairs of any mortgage
9 broker subject to licensure by the Director for a period of five years.
- 10 **4.3** Respondents Law Offices of Leslie Richards, P.C., Leslie Richards, and Jason Lesner jointly
11 and severally pay restitution to each Washington consumer with whom they entered into a
12 contract for residential mortgage loan modification services related to real property or
13 consumers located in the state of Washington equal to the amount collected from that
14 Washington consumer for those services in an amount to be determined at hearing.
- 15 **4.4** Respondents Law Offices of Leslie Richards, P.C., Leslie Richards, and Jason Lesner jointly
16 and severally pay a fine, which as of the date of this Statement of Charges totals \$3,000.
- 17 **4.5** Respondents Law Offices of Leslie Richards, P.C., Leslie Richards, and Jason Lesner jointly
18 and severally pay an investigation fee, which as of the date of this Statement of Charges totals
19 \$720.
- 20 **4.6** Respondent Law Offices of Leslie Richards, P.C. maintain records in compliance with the Act
21 and provide the Department with the location of the books, records and other information
22 relating to Respondents' provision of residential mortgage loan modification services in
23 Washington, and the name, address and telephone number of the individual responsible for
24 maintenance of such records in 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 34.05
4 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

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8 Dated this 5th day of August, 2014.



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

15 Presented by:



17 KENNETH J. SUGIMOTO
18 Financial Legal Examiner

19 Approved by:



21 CHARLES E. CLARK
22 Enforcement Chief