

# TERMS COMPLETED

## ORDER SUMMARY – Case Number: C-01-161

**Name(s):** Ryan James Sweeney  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-01-161-13-FO02  
 \_\_\_\_\_

**Effective Date:** October 23, 2013  
 \_\_\_\_\_

**License Number:** 510-MB-20702  
**Or NMLS Identifier [U/L]** \_\_\_\_\_

**License Effect:** Revocation is withdrawn. License status should be changed to expired.  
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**Not Apply Until:** N/A  
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**Not Eligible Until:** N/A  
 \_\_\_\_\_

**Prohibition/Ban Until:** N/A  
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<b>Investigation Costs</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
No. of Victims:		0		

Comments: This order withdraws Final Order No. 2001-137-001 and dismisses Statement of Charges No. 2001-137-C01.

The Charges sought to revoke an abandoned mortgage broker license and impose a \$90 investigation fee and order to cease and desist.

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

RYAN SWEENEY D/B/A  
RELIANCE MORTGAGE,

Respondents.

No.: C-01-161-13-FO02  
(Relating to former case No.: 2001-137-C01)

**ORDER WITHDRAWING FINAL ORDER  
AND DISMISSING STATEMENT OF  
CHARGES**

I. DIRECTOR'S CONSIDERATION

Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington ("Director"), through his designee, Consumer Services Division Director Deborah Bortner ("Director's designee"), pursuant to RCW 34.05.464. On November 21, 2001, the then Director, through his designee, then Consumer Services Division Director Mark Thomson, issued Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, No. 2001-137-C01, ("Statement of Charges") against Ryan Sweeney d/b/a Reliance Mortgage ("Respondent"). Respondent Sweeney did not request an administrative hearing. On March 13, 2002, the then Director, through his designee, then Consumer Services Division Director Mark Thomson, issued Final Order No. 2001-137-001 ("Final Order"). The Department entered into a subsequent Consent Order with Respondent, number C-07-408-08-CO01, on April 5, 2008. In consideration of the underlying nature of the Statement of Charges, Respondent's subsequent agreement with the Department, and representations made by Respondent, the Director's designee finds it appropriate to withdraw the Final Order and dismiss the Statement of Charges at this time.

1 II. ORDER WITHDRAWING FINAL ORDER AND DISMISSING STATEMENT OF CHARGES

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

4 A. IT IS HEREBY ORDERED, That:

- 5 1. The Final Order is withdrawn.  
6 2. The Statement of Charges is dismissed.

7 DATED this 23<sup>rd</sup> day of October, 2013.



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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DEBORAH BORTNER  
Director  
Division of Consumer Services

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES

In the Matter of:  
RYAN SWEENEY DBA RELIANCE MORTGAGE  
Respondent(s)

No.: 2001-137-O01

**FINAL ORDER**

I. DIRECTOR'S CONSIDERATION

A. Review. This matter has come before the Director to review the Factual Findings, Grounds For Entry Of Order, and Notice Of Intention To Enter An Order entered by the Director through his designee Assistant Director Mark Thomson on November 21, 2001, a copy of which documents are attached and incorporated into this order by this reference. Respondents did not request an administrative hearing.

B. Record of Proceedings. The entire record of this proceeding, including but not limited to the Director's designees's Factual Findings, Grounds For Entry Of Order, and Notice of Intention To Enter An Order, was presented to the Director for his review and for entry of a final decision.

C. Factual Findings and Grounds For Order. The Director hereby adopts the Factual Findings, Grounds For Entry Of Order, and Notice Of Intention To Enter An Order attached hereto.

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1 II. FINAL ORDER

2 Based upon the foregoing, and the Director having considered the entire record and being  
3 otherwise fully advised, NOW, THEREFORE:

4 A. Final Order. IT IS HEREBY ORDERED, That:

- 5 1. Respondent's mortgage broker license is revoked, and  
6 2. Respondent pay an investigation fee to be calculated at \$45.00 per hour for  
7 two staff hours devoted to the examination, for a total of \$90.00, and  
8 3. That Respondent provide to the Department information relating to the  
9 location of all books, records and other information relating to Respondent's mortgage broker  
10 business, and provide to the Department the name, address and telephone number of the individual  
11 responsible for the maintenance of such records in compliance with the Act.  
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13 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file  
14 a petition for reconsideration stating the specific grounds upon which relief is requested. The  
15 petition must be filed in the Office of the Director of the Department of Financial Institutions, 210  
16 11<sup>th</sup> Ave. West, Suite 300, P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days  
17 of service of the Final Order upon Respondent. The petition for reconsideration shall not stay the  
18 effectiveness of this order nor is a petition for reconsideration a prerequisite for seeking judicial  
19 review in this matter.

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

23 C. Stay of Order. The Director has determined not to consider a petition to stay  
24 the effectiveness of this order. Any such requests should be made in connection with a petition for  
25 judicial review made under chapter 34.05 RCW and RCW 34.05.550.

1 D. Judicial Review. Respondent has the right to petition the superior court for  
2 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the  
3 requirements for filing a petition for judicial review, see RCW 34.050.510 and sections following.

4 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
5 Judicial Review, service is effective upon deposit of this order in the U.S. mail, affidavit of service  
6 attached hereto.

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8 DATED this 13th day of March, 2002.

9 STATE OF WASHINGTON  
10 DEPARTMENT OF FINANCIAL INSTITUTIONS

11  
12 /S/  
13 \_\_\_\_\_  
14 Mark Thomson, Acting Director

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES

IN THE MATTER OF DETERMINING ) NO. 2001-137-C01  
WHETHER THERE HAS BEEN A )  
VIOLATION OF THE MORTGAGE ) STATEMENT OF CHARGES AND NOTICE  
BROKER PRACTICES ACT BY: ) OF INTENTION TO REVOKE LICENSE  
)  
Ryan Sweeney dba Reliance Mortgage )  
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)  
RESPONDENT )  
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I. STATEMENT OF CHARGES

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the 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, and based upon the facts available as of November 21, 2001, the Director institutes this proceeding and finds as follows:

II. FACTUAL FINDINGS

A. Ryan Sweeney dba Reliance Mortgage (hereinafter "Respondent") is known to conduct business as a mortgage broker at:

206 Yelm Ave. East  
Yelm, WA 98597

B. Such business was licensed by the Department of Financial Institutions ("Department") to conduct business on September 29, 1998.

1  
2 C. Annual assessment fee(s) of \$500.00 was/were due to the Department from  
3 Respondent no later than September 30, 1999.

4 D. The Department issued notifications of upcoming payment to Respondent on August  
5 17, 1999.

6 E. To date, the Department has not received the annual assessment due from  
7 Respondent.

8 F. Respondent's bond to conduct the business of a mortgage broker was canceled on  
9 December 6, 1999.

10 G. The Department issued notifications of the bond cancellation on November 4, 1999  
11 and November 19, 1999.

12 H. To date, the Department has not received confirmation of a reinstatement of the  
13 bond.

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15 III. GROUNDS FOR ENTRY OF ORDER

16 A. Pursuant to RCW 19.146.228(1) and WAC 208-660-060(3), each licensee shall pay  
17 to the director each year, on or before the last business day of the calendar month in which their  
18 license was originally issued, an annual assessment of \$500.00 for each mortgage broker license.  
19 Respondent has not complied with these sections.

20 B. Pursuant to RCW 19.146.220(2)(b)(ii), and WAC 208-660-160(1)(a), the Director  
21 may revoke a license if the licensee has failed to pay a fee due the state of Washington under this  
22 chapter.

23 C. Pursuant to RCW 19.146.205(4)(a), each applicant for a mortgage broker's license  
24 shall file and maintain a surety bond, in an amount of not greater than sixty thousand dollars nor  
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1 less than twenty thousand dollars which the director deems adequate to protect the public  
2 interest, executed by the applicant as obligor and by a surety company authorized to do a surety  
3 business in this state as surety. The bonding requirement as established by the director may take  
4 the form of a uniform bond amount for all licensees or the director may establish by rule a  
5 schedule establishing a range of bond amounts which shall vary according to the annual average  
6 number of loan originators or independent contractors of a licensee. The bond shall run to the  
7 state of Washington as obligee, and shall run first to the benefit of the borrower and then to the  
8 benefit of the state and any person or persons who suffer loss by reason of the applicant's or its  
9 loan originator's violation of any provision of this chapter or rules adopted under this chapter.  
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11 The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by  
12 this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer  
13 loss by reason of a violation of this chapter or rules adopted under this chapter. Borrowers shall  
14 be given priority over the state and other persons. The state and other third parties shall be  
15 allowed to receive distribution pursuant to a valid claim against the remainder of the bond. In  
16 the case of claims made by any person or entity who is not a borrower, no final judgment may be  
17 entered prior to one hundred eighty days following the date the claim is filed. The bond shall be  
18 continuous and may be canceled by the surety upon the surety giving written notice to the  
19 director of its intent to cancel the bond. The cancellation shall be effective thirty days after the  
20 notice is received by the director. Whether or not the bond is renewed, continued, reinstated,  
21 reissued, or otherwise extended, replaced, or modified, including increases or decreases in the  
22 penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall  
23 not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face  
24 of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in  
25

1 time be added together in determining the surety's liability. The bond shall not be liable for any  
2 penalties imposed on the licensee, including, but not limited to, any increased damages or  
3 attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond  
4 directly from the surety or through a group bonding arrangement involving a professional  
5 organization comprised of mortgage brokers if the arrangement provides at least as much  
6 coverage as is required under this subsection.

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8 D. Pursuant to RCW 19.146.220(2)(b)(iv), and WAC 208-660-160(1)(b), the Director  
9 may revoke a license if the licensee has failed to comply with RCW 19.146.205(4).

10 E. Pursuant to RCW 19.146.228(2), and WAC 208-660-060(2), upon completion of  
11 any examination of the books and records of a licensee, the Department will furnish to the licensee a  
12 billing to cover the cost of the examination. The examination charge will be calculated at the rate of  
13 forty-five dollars per hour that each staff person devoted to the examination.

14 IV. NOTICE OF INTENTION TO ENTER AN ORDER

15 Respondent's violation of the provisions of chapter 19.146 RCW and chapter 208-660  
16 WAC, as set forth in the above Factual Findings and Grounds For Entry Of Order constitute a basis  
17 for the entry of an Order under RCW 19.146.220, which authorizes the Director to enter an Order  
18 against a person subject to the Act. Therefore, it is the Director's intention to ORDER:

19 A. That Respondent's mortgage broker license is revoked, and

20 B. That Respondent pay an investigation fee to be calculated at \$45.00 per hour for  
21 each staff hour devoted to the examination, and

22 C. That Respondent provide to the Department information relating to the location of  
23 all books, records and other information relating to Respondent's mortgage broker business, and  
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1 provide to the Department the name, address and telephone number of the individual responsible for  
2 the maintenance of such records in compliance with the Act.

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4 **V. AUTHORITY AND PROCEDURE**

5 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist is  
6 entered pursuant to the provisions of RCW 19.146.220 and RCW 19.146.230, and is subject to the  
7 provisions of chapter 34.05 RCW. The Respondent may make a written request for a hearing as set  
8 forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
9 accompanying this Statement of Charges and Notice of Intent to Enter an Order.  
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12 DATED this 21<sup>st</sup> day of November, 2001.

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16 /S/ \_\_\_\_\_  
17 MARK THOMSON  
18 ASSISTANT DIRECTOR  
19 DEPARTMENT OF FINANCIAL INSTITUTIONS  
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