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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF INVESTIGATING  
the Loan Originator License Application under the  
Mortgage Broker Practices Act of Washington by:

NO. C-07-440-07-FO01

DAVID ANTHONY THOMPSON,  
Respondent.

FINAL ORDER

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**I. DIRECTOR'S CONSIDERATION**

A. Default. 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, pursuant to RCW 34.05.440(1). On October 24, 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated October 26, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated October 26, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on October 26, 2007 by first class mail and Federal Express overnight delivery. On October 30, 2007, the documents sent via Federal Express overnight delivery were delivered. The documents sent via first class mail were not returned to the Department by the United States Postal Service.

1 Respondent did not request an adjudicative hearing within twenty calendar days after the  
2 Department served him with the Notice of Opportunity to Defend and Opportunity for Hearing, as  
3 provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and  
5 for entry of a final decision included the Statement of Charges, cover letter dated October 26, 2007,  
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative  
7 Hearing, with documentation of service.

8 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the  
9 Director's designee hereby adopts the Statement of Charges, which is attached hereto.  
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## 11 II. FINAL ORDER

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

14 A. IT IS HEREBY ORDERED, That:

- 15 1. Respondent David Anthony Thompson's application for a loan originator license is  
16 denied; and
- 17 2. Respondent David Anthony Thompson is banned from participation in the conduct of  
18 the affairs of any mortgage broker subject to licensure by the Director, in any manner,  
through March 27, 2017.

19 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
20 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
21 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
22 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
23 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
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1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
2 Reconsideration a prerequisite for seeking judicial review in this matter.

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

6 C. Stay of Order. The Director's designee has determined not to consider a Petition  
7 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition  
8 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

9 D. Judicial Review. Respondent has the right to petition the superior court for judicial  
10 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing  
11 a Petition for Judicial Review, see RCW 34.05.510 and sections following.

12 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
13 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
14 attached hereto.  
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16 DATED this 14 day of December, 2007.

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18 STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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20 DEBORAH BORTNER  
21 DIRECTOR  
22 DIVISION OF CONSUMER SERVICES



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**STATE OF WASHINGTON  
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IN THE MATTER OF INVESTIGATING  
the Loan Originator License Application under the  
Mortgage Broker Practices Act of Washington by:

DAVID ANTHONY THOMPSON,  
  
Respondent.

NO. C-07-440-07-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO DENY LICENSE APPLICATION  
AND PROHIBIT FROM INDUSTRY

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**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)<sup>1</sup>. After having conducted an investigation pursuant to RCW 19.146.310, and based upon the facts available as of the 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:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent David Anthony Thompson (Respondent Thompson)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under A+ Mortgage Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about March 26, 2007.

**1.2 Prior Misdemeanor Charge.** On or about June 11, 2004, Respondent Thompson was charged with Issuing a Worthless Check less than \$2,500 pursuant to Wisconsin Statute 943.24(1) in the Circuit Court of the State of Wisconsin for the County of Waukesha (Cause No. 04CM1909). On November 15, 2004, the criminal charge was dismissed and amended to a civil citation pursuant to Wisconsin Statute 13-102(c)(10). Respondent Thompson did not contest the citation and a \$150 fine was imposed.

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<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 **1.3 Prior Felony Charge and Outstanding Felony Warrant.** On or about June 1, 2005, Respondent  
2 Thompson was charged with criminal Escape pursuant to Wisconsin Statutes 946.42(3)(a) and 939.50(3)(h), a  
3 felony, in the Circuit Court of the State of Wisconsin for the County of Waukesha. On the same day, a Circuit  
4 Court Judge for Waukesha County issued an arrest warrant for Respondent Thompson for the Felony Escape  
5 charge. The Department has confirmed the warrant continues to be outstanding as of the date of this Statement  
6 of Charges.

7 **1.4 Responses to Application Questions.** The "Criminal Disclosure" section of the loan originator license  
8 application consists of eight questions, and includes the following instruction:

9 "If the answer to any of the following is "YES", provide complete details of all events or proceedings."  
10 Respondent Thompson answered "no" to the following questions on the "Criminal Disclosure" section of his  
11 loan originator license application:

- 12 • 2- Have you ever been charged with a felony?
- 13 • 5- Have you ever been convicted or plead guilty or nolo contendere ("no contest") in a domestic,  
14 foreign, or military court to misdemeanor involving: financial services or a financial services-  
15 related business or any fraud, false statements or omissions, theft or any wrongful taking of  
16 property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of  
17 these offenses?
- 18 • 6- Have you ever been charged with a misdemeanor specified in 5?

19 Respondent Thompson was obligated by statute to answer questions on the loan originator license application  
20 truthfully and to provide the Department with complete details of all events or proceedings.

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

22 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent  
23 Thompson is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently  
24 making any false statement or willfully making any omission of material fact in connection with any application  
25 or any information filed by a licensee in connection with any application, examination or investigation  
conducted by the Department.

1 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set  
2 forth in Section I above, Respondent Thompson fails to meet the requirements of RCW 19.146.300(1) and (2)  
3 and RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form  
4 prescribed by the Director.

5 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set  
6 forth in Section I above, Respondent Thompson fails to meet the requirements of RCW 19.146.310(1)(g) and  
7 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the  
8 confidence of the community and to warrant a belief that the business will be operated honestly and fairly  
9 within the purposes of the Act.

### 10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the  
12 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the  
13 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by  
14 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application  
15 of the denial.

16 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue  
17 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed  
18 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker  
19 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

### 20 **IV. NOTICE OF INTENTION TO ENTER ORDER**

21 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth  
22 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis  
23 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

24 Therefore, it is the Director's intention to ORDER that:

25 **4.1** Respondent David Anthony Thompson's application for a loan originator license be denied.

1 4.2 Respondent David Anthony Thompson be prohibited from participation in the conduct of the affairs of  
2 any mortgage broker subject to licensure by the Director, in any manner, through March 26, 2017.

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4 **V. AUTHORITY AND PROCEDURE**

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

11 Dated this 24<sup>th</sup> day of October, 2007.



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

16 Presented by:



17 WILLIAM HALSTEAD  
18 Financial Legal Examiner

19 Approved by:



20 FATIMA BATIE  
21 Financial Legal Examiner Supervisor

