

1
2
3
4
5
6
7
8

**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-07-525-08-FO01

VINCENT GUY COIL,

FINAL ORDER

Respondent.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.464. On December 20, 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 (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 December 20, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent. The Department served the Statement of Charges, cover letter dated December 20, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Vincent Guy Coil, on December 20, 2007, by first class mail and Federal Express overnight delivery.

On December 31, 2007, Respondent filed an Application for Adjudicative Hearing. On January 3, 2008, the Department made a request to the Office of Administrative Hearings (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. OAH assigning ALJ Michael W. Furtado (ALJ Furtado) to preside over prehearing and

1 hearing proceedings and issue an Initial Decision. On April 24, 2008, ALJ Furtado issued a Notice of
2 Prehearing Conference by Telephone scheduling a prehearing conference on May 22, 2008 at 9:00
3 a.m. The prehearing conference was continued to June 26, 2008 at 1:30 p.m.

4 On June 26, 2008, representatives for the Department and Respondents' counsel attended a
5 telephonic prehearing conference. During the hearing, Respondent's counsel informed ALJ Furtado
6 that the Respondent wished to withdraw his request for an appeal.

7 On July 15, 2008, ALJ Furtado issued a Final Order of Dismissal and served it upon all of the
8 parties.

9 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondents had twenty (20) days from the
10 date of service of the Initial Decision and Order to file a Petition for Review of the Initial Decision and
11 Order. Respondents did not file a Petition for Review during the statutory period.

12 B. Record Presented. The record presented to the Director for his review and for entry of
13 a final decision included the following:
14

- 15 1. Statement of Charges, cover letter dated December 20, 2007, and Notice of
16 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 17 2. Applications for Adjudicative Hearing for Vincent Guy Coil;
- 18 3. Request to OAH for Assignment of Administrative Law Judge;
- 19 4. Notice of Prehearing Conference by Telephone dated April 24, 2008, with
20 documentation of service;
- 21 5. Second Notice of Prehearing Conference by Telephone dated June 3, 2008, with
22 documentation of service;
- 23 6. Final Order of Dismissal dated July 15, 2008, with documentation of service;

24 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director
25 hereby adopts the Final Order of Dismissal, which is attached hereto.

1 II. FINAL ORDER

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

4 A. IT IS HEREBY ORDERED, That Respondent Vincent Guy Coil's application for a
5 license to conduct the business of a Loan Originator is denied; and

6 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
7 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
8 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
9 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
10 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
11 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
12 Reconsideration a prerequisite for seeking judicial review in this matter.
13

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

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

20 D. Judicial Review. Respondents have the right to petition the superior court for
21 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements
22 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.
23
24
25

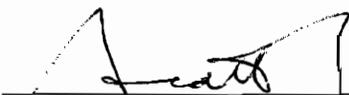
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DATED this 16th day of December, 2008.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS




SCOTT JARVIS
DIRECTOR

1
2
3
4
5
6
7

**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:

VINCENT GUY COIL,

Respondent.

NO. C-07-525-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION

8
9
10
11
12
13
14

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)¹. 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:

15
16
17
18
19

I. FACTUAL ALLEGATIONS

1.1 Respondent Vincent Guy Coil (Respondent Coil) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Horizon Mortgage and Investment Company, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about October 11, 2007.

1.2 Prior Criminal Acts. On or about March 8, 2007, Respondent Coil was charged in the Superior Court of Washington for King County with the following felony crimes under cause number 07-1-03016-2:

- a. RCW 9A.52.025 Residential Burglary
- b. RCW 9A.60.020 Forgery (2 counts)
- c. RCW 9A.72.030 Perjury in the Second Degree

This case is still active and pending trial.

¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

II. GROUNDS FOR ENTRY OF ORDER

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

III. AUTHORITY TO IMPOSE SANCTIONS

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

IV. NOTICE OF INTENTION TO ENTER ORDER

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

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

4.1 Respondent Vincent Guy Coil's application for a loan originator license be denied.

V. AUTHORITY AND PROCEDURE

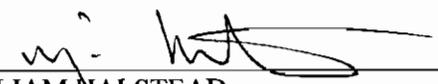
This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF

1 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of
2 Charges.

3 Dated this 20th day of December, 2007.
4

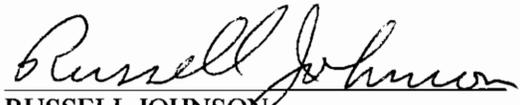
5 
6 DEBORAH BORTNER
7 Director
8 Division of Consumer Services
9 Department of Financial Institutions

8 Presented by:

9
10 
11 WILLIAM HALSTEAD
12 Financial Legal Examiner



12 Approved by:

13
14 
15 RUSSELL JOHNSON
16 Financial Legal Examiner Supervisor

25