

1 On February 15, 2011, after prior failed service attempts on Respondent, the Department
2 received confirmation from the Vancouver, Washington Branch Office of the United States Postal
3 Service that mail addressed to Respondent was being delivered to 4711 NE 134th Street, Vancouver,
4 Washington (134th Street address). The Department served the Statement of Charges and
5 accompanying documents on Respondent by sending packages containing the documents to the 134th
6 Street address by Federal Express overnight delivery and First-Class mail on February 22, 2011. On
7 February 23, 2011, the documents sent via Federal Express overnight delivery were delivered to the
8 134th Street address and signed for by "M. Fish". The documents sent via First-Class mail were not
9 returned to the Department by the United States Postal Service.

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

13 B. Record Presented. The record presented to the Director's designee for her review and
14 for entry of a final decision included the following:

- 15 1. Statement of Charges, cover letter, Notice of Opportunity to Defend and
16 Opportunity for Hearing, and blank Application for Adjudicative Hearing for
Jason Michael Fish, with documentation for service.
- 17 2. Post Office Address Verification Request form completed by the Vancouver,
18 Washington Branch Office of the United States Postal Service received by the
Department on February 15, 2011.

19 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
20 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

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1 II. FINAL ORDER

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. Respondent Jason Michael Fish cease and desist engaging in the business of a
6 mortgage broker or loan originator in regards to Washington property or
7 Washington residents; and
8 2. Respondent Jason Michael Fish is prohibited from participation in the conduct of
9 the affairs of any mortgage broker or loan originator subject to licensure by the
10 Director, in any manner, for a period of ten (10) years; and
11 3. Respondent Jason Michael Fish pay a fine of \$25,000; and
12 4. Respondent Jason Michael Fish pay restitution in the amount of \$25,189.93 to the
13 party identified in the attached restitution schedule (herein incorporated by
14 reference); and
15 5. Respondent Jason Michael Fish pay an investigation fee in the amount of \$552.

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

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

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

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

7 E. Non-compliance with Order. If you do not comply with the terms of this order, the
8 Department may seek its enforcement by the Office of the Attorney General to include the collection
9 of the fines, restitution, and investigation fees imposed herein. The Department also may assign the
10 amounts owed to a collection agency for collection.

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

14 DATED this 12th day of April, 2011



16 STATE OF WASHINGTON
17 DEPARTMENT OF FINANCIAL INSTITUTIONS

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19 DEBORAH BORTNER
20 Director
21 Division of Consumer Services

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

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

NO. C-10-230-10-SC01

JASON MICHAEL FISH, Loan Originator,

Respondent.

STATEMENT OF CHARGES and NOTICE OF
INTENTION TO ENTER AN ORDER TO CEASE
AND DESIST, PROHIBIT FROM INDUSTRY,
IMPOSE FINE, ORDER RESTITUTION, AND
COLLECT INVESTIGATION FEE

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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). After having conducted an investigation pursuant to RCW 19.146.210 and RCW 19.146.235, 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. Jason Michael Fish (Respondent) is known to have engaged in the business of a loan originator between at least June 1, 2008, and January 15, 2010, in regards to Washington property or Washington borrowers. To date, the Department has not issued a license to Respondent to engage in the business of a loan originator.

1.2 Unlicensed Activity. Between at least June 1, 2008, and January 15, 2010, Respondent assisted at least five consumers in applying to obtain or in obtaining a residential mortgage loan on property located in the State of Washington while Respondent was working for a mortgage company in Oregon. To date, the Department has never issued a license to Respondent to engage in the business of a loan originator.

1 **1.3 Unauthorized Collection of Fees.** Between at least June 1, 2008, and January 15, 2010, Respondent
2 instructed escrow or title agencies in at least five different residential mortgage loan transactions involving
3 Washington property or Washington borrowers, to wire fees due to the mortgage broker directly into
4 Respondent's personal bank account. Respondent did not notify the company he worked for of the fees
5 received or of the existence of the loans in question. Respondent was not listed on the HUD 1/1A Settlement
6 Statement or equivalent. Respondent received fees totaling at least \$25,189.93.

7 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
8 Respondent continues to date.

9 II. GROUNDS FOR ENTRY OF ORDER

10 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,
11 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
12 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
13 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
14 person in obtaining or applying to obtain a residential mortgage loan.

15 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006, "Loan
16 Originator" means a natural person who (a) takes a residential mortgage loan application for a mortgage broker,
17 or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in
18 expectation of direct or indirect compensation or gain. "Loan Originator" also includes a person who holds
19 themselves out to the public as able to perform any of these activities.

20 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a "Borrower" is defined as any person who
21 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information
22 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself
23 or herself, regardless of whether the person actually obtains such a loan.

24 **2.4 Requirement to Obtain or Maintain Loan Originator License.** Based on the Factual Allegations set
25 forth in Section I above, Respondent is in apparent violation of RCW 19.146.0201(1), (2), (3) and (7), RCW

1 19.146.200(1), and WAC 208-660-350(3) for engaging in the business of a loan originator without first
2 obtaining and maintaining a license under the Act.

3 **2.5 Unauthorized Collection of Fees.** Based on the Factual Allegations set forth in Section I above,
4 Respondent is in apparent violation of RCW 19.146.0201(1), (2), (3) and (7), and WAC 208-660-300(6), (7),
5 and (8) (2008) re-codified as WAC 208-660-300(7), (8), and (9) (effective January 23, 2009) for unauthorized
6 collection or receipt of fees, commissions or compensation of any kind in connection with the preparation,
7 negotiation, and brokering of a residential mortgage loan.

8 III. AUTHORITY TO IMPOSE SANCTIONS

9 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the Director may
10 issue orders directing a licensee, its employee or loan originator, or other person subject to the Act to cease and
11 desist from conducting business.

12 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a),(b) and (d), the Director
13 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
14 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage
15 broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
16 (13), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265,
17 false statements or omission of material information on the application that, if known, would have allowed the
18 Director to deny the application for the original license, or failure to comply with a directive or order of the
19 Director.

20 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(b), (d) and (e) and RCW 19.146.220(3) (a)
21 and (b), the Director may impose fines on a licensee, employee or loan originator of the licensee, or other
22 person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030
23 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), RCW 19.146.265, failure to comply with a
24 directive or order of the Director or any violation of chapter 19.146 RCW.

1 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(b),(d) and (e), the Director may issue
2 orders directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution.

3 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-550(5),
4 upon completion of any investigation of the books and records of a licensee or other person subject to the Act,
5 the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the
6 investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per hour that
7 each staff person devoted to the investigation.

8 **IV. NOTICE OF INTENTION TO ENTER ORDER**

9 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
10 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
11 for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the
12 Director's intention to ORDER that:

- 13 **4.1** Respondent Jason Michael Fish cease and desist engaging in the business of a mortgage broker or loan
14 originator in regards to Washington property or Washington residents; and
- 15 **4.2** Respondent Jason Michael Fish be prohibited from participation in the conduct of the affairs of any
16 mortgage broker or loan originator subject to licensure by the Director, in any manner, for a period of ten
(10) years; and
- 17 **4.3** Respondent Jason Michael Fish pay a fine which as of the date of these charges totals \$25,000; and
- 18 **4.4** Respondent Jason Michael Fish refund all fees that inured to Respondent's benefit for the transactions
listed in paragraphs 1.2 and 1.3; and
- 19 **4.5** Respondent Jason Michael Fish pay an investigation fee in the amount of \$552 calculated at \$48 per hour
20 for the eleven and one half (11.5) staff hours, as of the date of this Statement of Charges, devoted to the
investigation.

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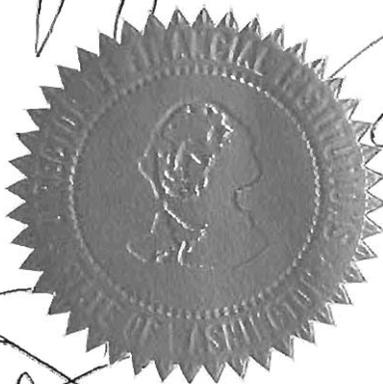
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1 **V. AUTHORITY AND PROCEDURE**

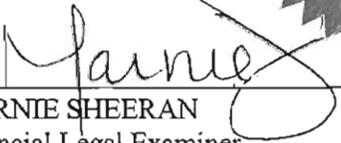
2 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Prohibit From
3 Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) is entered
4 pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and
5 is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make
6 a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
7 OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

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9 Dated this 29th day of July, 2010.



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

16 Presented by:

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18 _____
19 MARNIE SHEERAN
20 Financial Legal Examiner

21 Approved by:

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23 _____
24 JAMES R. BRUSSELBACK
25 Enforcement Chief