

ORDER SUMMARY – Case Number: C-02-185

Name(s): Mason, Inc
Antwan L. Mason West

Order Number: C-02-185-04-FO01

Effective Date: March 9, 2005

License Number: DFI: 19929 –Mason Inc

DFI: 22094 –Antwan

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect: Revoked

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: March 9, 2010

Investigation Costs	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$400	Due	Paid <input type="checkbox"/> Y <input checked="" 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: Respondents jointly and severally ordered to pay third party appraiser \$400

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

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

MASON, INC., and
ANTWAN L. MASON-WEST, Owner and
Designated Broker,

Respondents.

NO. C-02-185-04-FO01

FINAL ORDER

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) pursuant to RCW 34.05.440(1). On March 10, 2004, the Director through her designee Consumer Services Division Director and Enforcement Chief Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit from Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference.

On April 15, 2004, after a failed attempt at service to the last address where the Department had successfully corresponded with Respondents, the Department served the Statement of Charges, cover letter dated April 15, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Mason, Inc. (Respondent Mason) and Antwan L. Mason-West (Respondent Mason-West), Owner and Designated Broker, on Respondents by sending packages containing the documents to 20128 SW Bernice Lane, Beaverton, Oregon 97007-5803 (Beaverton address) via Federal Express overnight delivery and by first class mail. On May 3, 2004, the documents sent via Federal Express overnight delivery were returned to the Department as undeliverable, as no

1 resident had been available to sign for the documents on three delivery attempts. The documents sent via
2 first class mail were not returned to the Department by the United States Post Office. On May 7, 2004,
3 the Department received confirmation from the Aloha Oregon Branch Office of the United States Post
4 Office that mail addressed to Respondent Mason-West was being delivered to the Beaverton address.

5 On April 22, 2004, after a failed attempt at service on Respondent Mason's Registered Agent at
6 the last address on file with the Director, the Department served the Statement of Charges, cover letter
7 dated April 22, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
8 Applications for Adjudicative Hearing for Respondent Mason and Respondent Mason-West, on
9 Respondent Mason's Registered Agent by sending a package containing the documents to 1128
10 Broadway, Longview, Washington 98632 (Longview address) via certified mail. On April 26, 2004, the
11 documents sent via certified mail were delivered to the Longview address. On April 15, 2004, as part of
12 the prior failed service attempt on Respondent Mason's Registered Agent at the last address on file with
13 the Director, the Department sent a package containing the documents and notice of service on the
14 Registered Agent to 9221 SW Barbor Blvd Ste 105, Portland, Oregon 97219 (the last address of
15 Respondent Mason on file with the director) via registered mail, as required by RCW 19.146.260. On
16 April 22, 2004, the documents sent via registered mail were returned to the Department by the United
17 States Post Office as undeliverable.

18 On July 6, 2004, the Department served the Statement of Charges, cover letter dated July 6, 2004,
19 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative
20 Hearing for Respondent Mason and Respondent Mason-West, on Respondents by sending packages
21 containing the documents to 7840 W. San Miguel Ave, Glendale, Arizona 85303 (Glendale address) via
22 Federal Express overnight delivery and by first class mail. On July 7, 2004, the documents sent via
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1 Federal Express overnight delivery were left at the Glendale address without a signature in accordance
2 with a signature waiver Respondent Mason-West had on file with Federal Express. The documents sent
3 via first class mail were not returned to the Department by the United States Post Office. On July 20,
4 2004, the Department received confirmation from the Glendale Arizona Branch Office of the United
5 States Post Office that mail addressed to Respondent Mason-West was being delivered to the Glendale
6 address.

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

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11 B. Record Presented. The record presented to the Director for her review and for entry of a
12 final decision included the Statement of Charges, cover letters dated April 15, 2004, April 22, 2004 and July
13 6, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, blank Applications for Adjudicative
14 Hearing for Mason, Inc. and Antwan L. Mason-West, Owner and Designated Broker, the Post Office
15 Address Verification Request form completed by the Aloha Oregon Branch Office of the United States Post
16 Office received by the Department on May 7, 2004, the Post Office Address Verification Request form
17 completed by the Glendale Arizona Branch Office of the United States Post Office received by the
18 Department on July 20, 2004, documentation of service, and memo to file regarding the Consumer Service
19 Division's service attempts.

20 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the Director
21 hereby adopts the Statement of Charges, which is attached hereto.

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24 II. FINAL ORDER

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

3 A. IT IS HEREBY ORDERED, That:

- 4 1. Respondent Mason, Inc.'s license to conduct the business of a Mortgage Broker is
5 revoked; and
- 6 2. Respondent Antwan L. Mason-West is prohibited from participation in the conduct
7 of the affairs of any licensed mortgage broker, in any manner, for a period of five (5)
8 years; and
- 9 3. Respondent Mason, Inc. and Respondent Antwan L. Mason-West shall jointly and
10 severally pay William Rogers \$400.00 for third-party services performed, and
11 provide the Department with evidence that such payment has been made; and
- 12 4. Respondent Mason, Inc. and Respondent Antwan L. Mason-West shall maintain
13 records in compliance with the Act and provide the Department with the location of
14 the books, records and other information relating to Respondent Mason, Inc.'s
15 mortgage broker business, and the name, address and telephone number of the
16 individual responsible for maintenance of such records in compliance with the Act.

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

24 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the
25 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 has determined not to consider a Petition to Stay the
2 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
3 Review made under chapter 34.05 RCW and RCW 34.05.550.

4 D. Judicial Review. Respondents have 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 filing a
6 Petition for Judicial Review, see RCW 34.050.510 and sections following.

7
8 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
9 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

10 DATED this 9th day of March, 2005.

11
12 STATE OF WASHINGTON
13 DEPARTMENT OF FINANCIAL INSTITUTIONS

14
15 /S/
16 _____
17 GLORIA PAPIEZ
18 Acting Director

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

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

MASON, INC., and
ANTWAN L. MASON-WEST, Owner and
Designated Broker,

Respondents.

NO. C-02-185-04-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSES
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"). The referenced statutes (RCW) and rules (WAC) are attached, in pertinent part. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of March 8, 2004 the Director institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

1.1 Respondents:

A. **Mason, Inc. ("Respondent Mason")** is known to have conducted the business of a mortgage broker at the following locations:

9221 SW Barbur Blvd, Ste 105
Portland, OR 97219

950 12th Ave, Ste 250
Longview, WA 98632

B. **Antwan L. Mason-West ("Respondent Mason-West")** is known to be owner of Respondent Mason. Respondent Mason-West was named Designated Broker on November 15, 1999, and has continued as Designated Broker to date.

1 **1.2 Licenses:**

2 A. **Main Office:** Respondent Mason's main office, at 9221 SW Barbur Blvd, Ste 105, Portland,
3 OR 97219, was licensed by the Department to conduct business as a mortgage broker on
4 November 15, 1999, and has continued to be licensed to date.

5 B. **Branch Office:** Respondent Mason's branch office, at 950 12th Ave, Ste 250, Longview, WA
6 98632, was licensed by the Department to conduct business as a mortgage broker on
7 November 15, 1999, and has continued to be licensed to date.

8 **1.3 Failure to Pay Annual Assessments:** An annual assessment fee for each license is due to the
9 Department no later than the last business day of November for the year then ended. To date, the Department
10 has not received the following annual assessments due from Respondents, totaling \$1,575.67:

- 11 A. Payment of the annual assessment of \$513.95 for the year ended November 30, 2001 was due
12 to the Department no later than the last business day of November 2001.
13 B. Payment of the annual assessment of \$530.86 for the year ended November 30, 2002 was due
14 to the Department no later than the last business day of November 2002.
15 C. Payment of the annual assessment of \$530.86 for the year ended November 30, 2003 was due
16 to the Department no later than the last business day of November 2003.

17 In addition, payment of the annual assessment of \$530.86 for the year ended November 30, 2004 will be due to
18 the Department no later than the last business day of November 2004.

19 **1.4 Failure to Pay Branch Annual Assessments:** An annual assessment fee for each branch office
20 certificate is due to the Department no later than the last business day of November for the year then ended. To
21 date, the Department has not received the following branch annual assessments due from Respondents, totaling
22 \$2,075.67:

- 23 A. Payment of the branch annual assessment of \$500.00 for the year ended November 2000 was
24 due to the Department no later than the last business day of November 2000.
25 B. Payment of the branch annual assessment of \$513.95 for the year ended November 2001 was
due to the Department no later than the last business day of November 2001.
C. Payment of the branch annual assessment of \$530.86 for the year ended November 30, 2002
was due to the Department no later than the last business day of November 2002.
D. Payment of the branch annual assessment of \$530.86 for the year ended November 30, 2003
was due to the Department no later than the last business day of November 2003.

1 In addition, payment of the branch annual assessment of \$530.86 for the year ended November 30, 2004 will be
2 due to the Department no later than the last business day of November 2004.

3 **1.5 Failure to Maintain Bond:** In or around December of 2003, the Department became aware that
4 Respondent Mason's surety bond with North American Specialty Insurance Company had been cancelled,
5 effective September 5, 2001. To date, Respondents have failed to notify the Department of the cancellation of
6 the surety bond, and have failed to provide the required surety bond or an approved alternative.

7 **1.6 Failure to Submit Continuing Education Certificates:** A certificate of satisfactory completion of an
8 approved continuing education course by a licensee's Designated Broker is due to the Department no later than
9 the last business day of November of each year. To date, the Department has not received the required
10 certificates from Respondent Mason-West for the years ended November 30, 2000, 2001, 2002 and 2003,
11 respectively.

12 **1.7 Failure to Pay Third-Party Service Provider:** On October 23, 2000, in regard to Complaint #1872
13 (formerly #2258), the Department sent a Resolution and Request for Action via first class mail to Respondent
14 Mason's main office address. This correspondence was not returned by the United States Postal Service. This
15 correspondence found Respondent Mason in apparent violation of RCW 19.146.0201(11) and directed
16 Respondent Mason to pay \$400 to William Rogers for third-party services performed, and provide the
17 Department with evidence that such payment had been made. To date, Respondents have provided no evidence
18 of payment and therefore have apparently failed to make payment as directed.

19 **1.8 Failure to Respond to Directives:**

- 20 A. On November 7, 2003, the Department served a directive on Respondents by certified mail,
21 requiring submittal of certificates of completion of continuing education for Respondent
22 Mason-West, payment of annual assessment fees, and submittal of an amendment application
23 notifying the Department of a change in address. To date, the Department has not received a
24 response to this directive.

- 1 B. On October 28, 2002, the Department sent a directive via certified mail to Respondent
2 Mason's main office and branch office addresses, and to two additional forwarding addresses
3 provided by the United States Postal Service on previously returned correspondence. The
4 directive required submittal of certificates of completion of continuing education for
5 Respondent Mason-West and payment of annual assessment fees. The directive was returned
6 from all four attempted addresses marked "undeliverable as addressed" by the United States
7 Postal Service.
- 8 C. As stated in Section 1.7 above, to date, Respondents have failed to comply with the
9 Department's Resolution and Request for Action issued October 23, 2000.

9 **1.9 Failure to Notify Department of Significant Developments:**

- 10 A. As stated in Section 1.5 above, to date, Respondents have not notified the Department of the
11 cancellation of Respondent Mason's surety bond.
- 12 B. Various correspondence and directives (as noted in Section 1.8 above) from the Department
13 addressed to Respondent Mason's licensed locations has been returned by the United States
14 Postal Service marked "undeliverable as addressed." To date, Respondents have not notified
15 the Department of a change in location of Respondent Mason's principal place of business or
16 its branch office.
- 17 C. Respondent Mason's corporate license, maintained with the State of Washington Secretary of
18 State, expired on June 30, 2000. To date, Respondents have not notified the Department of this
19 change in standing with the State of Washington Secretary of State.
- 20 D. Respondent Mason's Master Business License account, maintained with the Washington State
21 Department of Licensing, was dissolved on September 18, 2000. To date, Respondents have
22 not notified the Department of this change in the State Master Business License.

22 **1.10 On-Going Investigation:** The Department's investigation into the alleged violations of the Act by
23 Respondents continues to date.

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

2 **2.1 Requirement to Pay Annual Assessments:** Based on the Factual Allegations set forth in Section I
3 above, Respondents are in apparent violation of RCW 19.146.228(1), WAC 208-660-060(3) and WAC 208-
4 660-061 for failing to pay to the Director an annual assessment fee no later than the last business day of the
5 month in which the anniversary date of the issuance of the mortgage broker’s license occurs.

6 **2.2 Requirement to Maintain Surety Bond:** Based on the Factual Allegations set forth in Section I
7 above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-080(1) for failing to
8 file and maintain a surety bond or approved alternative with the Department.

9 **2.3 Requirement to Submit Certificate of Completion of Continuing Education:** Based on the Factual
10 Allegations set forth in Section I above, Respondent Mason-West is in apparent violation of RCW 19.146.215
11 and WAC 208-660-042 for failing to complete the annual continuing education requirement and file a
12 certificate of satisfactory completion no later than the last business day of the month in which the anniversary
13 date of the issuance of the licensee’s license occurs.

14 **2.4 Requirement to Pay Third-Party Service Providers:** Based on the Factual Allegations set forth in
15 Section I above, Respondents are in apparent violation of RCW 19.146.0201(11) for failing to pay a third-party
16 service provider within the statutorily required time period.

17 **2.5 Requirement to Notify Department of Significant Developments:** Based on the Factual Allegations
18 set forth in Section I above, Respondents are in apparent violation of WAC 208-660-150(1)(e), WAC 208-660-
19 150(2), and WAC 208-660-150(3)(b), (e) and (f) for failing to notify the Director in writing within thirty days
20 after receipt of notification of cancellation of the licensee’s surety bond, failing to notify the Director in writing
21 ten days prior to a change of the location of the licensee’s principal place of business or any of its branch
22 offices, and failing to notify the Director in writing within five days after a change in mailing address or
23 telephone number or State master business license or standing with the state of Washington Secretary of State.

24 **2.6 Requirement to Maintain Accurate and Current Books and Records:** Based on the Factual
25 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.060 and

1 WAC 208-660-140 for failing to make accurate and current books and records readily available to the
2 Department until at least twenty-five months have elapsed following the effective period to which the books
3 and records relate.

4 **2.7 Authority to Revoke License:** Pursuant to RCW 19.146.220(2)(b)(ii), (iii) and (iv), and WAC 208-
5 660-160(1), (2), (8) and (13), the Director may revoke a license if a licensee fails to pay a fee required by the
6 Director, fails to maintain the required bond, or fails to comply with any directive or order of the Director.

7 **2.8 Authority to Prohibit from the Industry:** Pursuant to RCW 19.146.220(2)(e)(i) and (iv), the Director
8 may prohibit from participation in the conduct of the affairs of a licensed mortgage broker, any officer,
9 principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under
10 the Act that fails to maintain the required bond or fails to comply with any directive or order of the Director.

11 III. NOTICE OF INTENTION TO ENTER ORDER

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

- 16 3.1 Respondent Mason Inc.'s license to conduct the business of a Mortgage Broker be revoked; and
- 17 3.2 Respondent Antwan L. Mason-West be prohibited from participation in the conduct of the affairs of
any licensed mortgage broker, in any manner, for a period of five (5) years;
- 18 3.3 Respondents jointly and severally pay William Rogers \$400 for third-party services performed, and
provide the Department with evidence that such payment has been made; and
- 19 3.4 Respondents maintain records in compliance with the Act and provide the Department with the
20 location of the books, records and other information relating to Respondent Mason Inc.'s mortgage
broker business, and the name, address and telephone number of the individual responsible for
21 maintenance of such records in compliance with the Act.

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IV. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke Licenses and Prohibit from Industry 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). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges and Notice of Intention to Enter an Order to Revoke Licenses and Prohibit from Industry.

Dated this 10th day of March, 2004.

/S/
CHUCK CROSS
Acting Director and Enforcement Chief
Division of Consumer Services
Department of Financial Institutions

Presented by:
Mark T. Olson
Financial Examiner