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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:

NB CAPITAL MORTGAGE LLC and BECKY N.  
HOANG, Owner and Designated Broker,  
Respondents.

NO. C-04-248-09-FO01

FINAL ORDER OF DEFAULT  
NB CAPITAL MORTGAGE LLC

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 January 22, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Prohibit from Industry, and Collect Investigation Fee (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 January 22, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents NB Capital Mortgage LLC and Becky N. Hoang. The Department served the Statement of Charges, cover letter dated January 22, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents NB Capital Mortgage LLC and Becky N. Hoang on Respondents on January 22, 2009 by First Class mail and Federal Express overnight delivery. On January 23, 2009, 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

1 States Post Office. Respondent Becky Hoang filed an Application for an Adjudicative Proceeding  
2 with the Department on January 28, 2009. However, Respondent NB Capital Mortgage LLC did not  
3 request an adjudicative hearing within twenty calendar days after the Department served Respondent  
4 NB Capital Mortgage LLC with the Notice of Opportunity to Defend and Opportunity for Hearing, as  
5 provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's designee for her review and  
7 for entry of a final decision included the Statement of Charges, cover letter dated January 22, 2009 Notice  
8 of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing  
9 for Respondents NB Capital Mortgage LLC and Becky N. Hoang with documentation of service;

10 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the  
11 Director's designee hereby adopts the Statement of Charges, which is attached hereto.  
12

## 13 II. FINAL ORDER

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

16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondent NB Capital Mortgage LLC's license to conduct the business of Mortgage  
18 Broker is revoked; and
- 19 2. Respondent NB Capital Mortgage LLC pay a fine of \$5000; and
- 20 3. Respondent NB Capital Mortgage LLC pay an investigation fee of \$864.

21 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
22 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
23 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
24 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
25

1 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
2 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
3 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

13 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
14 Department may seek its enforcement by the Office of Attorney General to include the collection of the  
15 fines, fees and restitution imposed herein.  
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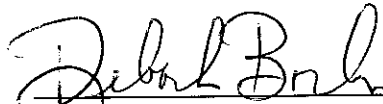
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1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
2 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
3 attached hereto.

4 DATED this 15<sup>th</sup> day of April, 2009.



6 STATE OF WASHINGTON  
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

8   
9 DEBORAH BORTNER  
10 DIRECTOR  
11 DIVISION OF CONSUMER SERVICES

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

NB CAPITAL MORTGAGE LLC and BECKY  
N. HOANG, Owner and Designated Broker,

Respondents.

NO. C-04-248-09-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO REVOKE LICENSE, IMPOSE FINE,  
PROHIBIT FROM INDUSTRY, and COLLECT  
INVESTIGATION FEE

**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 19.146.235, 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:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. NB Capital Mortgage LLC (Respondent NB) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on or about April 16, 2002, and continued to be licensed through December 31, 2007 when its license expired<sup>2</sup>. Respondent NB was licensed to conduct the business of a mortgage broker at 4423 5<sup>th</sup> Ave NE, Seattle, WA.

<sup>1</sup> RCW 19.146 (2006)

<sup>2</sup> RCW 19.146.210(4)

1 B. **Becky N. Hoang (Respondent Hoang)** is the owner and Designated Broker of Respondent  
2 NB. Respondent Hoang was named Designated Broker of Respondent NB on or about April 16, 2002, and has  
3 continued as Designated Broker until Respondent NB's license expired.

4 **1.2 Failure to Respond Timely and Completely to Directives and Prohibited Acts.** On or about July  
5 28, 2008, the Department sent directives by First Class mail to Respondents at PO Box 6655, Lynnwood, WA  
6 98036. The Department's mail to Respondents was returned to the Department by the U.S. Postal Service on or  
7 about August 1, 2008, as "BOX CLOSED UNABLE TO FORWARD".

8 **1.3** On or about August 6, 2008, the Department sent directives to Respondents at 3304 178<sup>th</sup> Place SW,  
9 Lynnwood, WA 98037-7736 and at 17903 33<sup>rd</sup> Place West, Lynnwood, WA 98037-7734. The directives  
10 required Respondents to provide various documents within 15 days. These directives were not returned to the  
11 Department by the U.S. Postal Service. Respondents did not respond.

12 **1.4** On or about September 3, 2008, the Department sent subpoenas to Respondents at 3304 178<sup>th</sup> Place  
13 SW, Lynnwood, WA 98037-7736 and at 17903 33<sup>rd</sup> Place West, Lynnwood, WA 98037-7734. Respondents  
14 were required to comply with the subpoenas within 10 days.

15 **1.5** On or about September 4, 2008, the Department received a letter from Respondents. Respondents did  
16 not provide any of the items requested by the directives or subpoenas, but stated that the materials would be  
17 provided in the next "7-10 days". Respondents also provided a mailing address for Respondent NB of PO Box  
18 6655, Lynnwood, WA 98036<sup>1</sup>. Respondents further stated that Respondents' physical address was 3304 178<sup>th</sup>  
19 Place SW, Lynnwood, WA 98037. Respondents asked that the Department not use the address of 17903 33<sup>rd</sup>  
20 Place West, Lynnwood, WA 98037<sup>2</sup>. Despite, Respondents' assertions that the requested items would be  
21 provided within ten days, Respondents did not provide any of the items requested.

22 **1.6** On or about December 12, 2008, a Department representative emailed Respondent Hoang at the email  
23 address obtained from Respondent Hoang's voicemail. Respondent Hoang was notified of Respondents' failure  
24

25 <sup>1</sup> See, paragraph 1.2 above.

<sup>2</sup> See, paragraph 1.3 and 1.4 above.

1 to comply with the Department's directives and subpoenas. Respondent Hoang was directed to comply with the  
2 Department's directive and subpoenas within the next 7 days.

3 **1.7** On or about December 12, 2008, Respondent Hoang sent an email to the Department requesting that the  
4 directives and subpoena be sent to her by mail or as an attachment to an email. On or about December 16,  
5 2008, the Department sent to Respondent Hoang, as an attachment to an email, copies of the directives,  
6 subpoenas and Respondents' previous response. Respondent Hoang was directed to comply by December 22,  
7 2008. Respondents did not comply.

8 **1.8** On or about December 31, 2008, the Department sent Respondent Hoang another email directing her to  
9 comply by January 2, 2009.

10 **1.9** To date, the Department has not received a response from Respondents to the directives or subpoenas.

11 **1.10 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
12 Respondents continues to date.

## 13 **II. GROUNDS FOR ENTRY OF ORDER**

14 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
15 apparent violation of RCW 19.146.0201(8) for negligently making a false statement or knowingly and willfully  
16 making an omission of material fact in connection with any reports filed by a mortgage broker or in connection  
17 with an investigation conducted by the Department.

18 **2.2 Requirement to Timely and Completely Comply with Department Directives.** Based on the Factual  
19 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.235 for failure to  
20 comply with the Director's investigatory authority by failure to timely or fully and completely comply with the  
21 Department's Directives.

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

23 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(d) and (e), the Director may revoke a  
24 license for failure to comply with any directive, order or subpoena of the director or any violation of this  
25 chapter.

1 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(3)(a) and (b), the Director may impose fines on  
2 a licensee, employee or loan originator of the licensee, or other person subject to the Act for any violations of  
3 RCW 19.146.0201(1) through (9) or (13) or failure to comply with a directive or order of the Director.

4 **3.3 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a) and (d) the Director  
5 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a  
6 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage  
7 broker or any person subject to licensing under the Act for any violations of RCW 19.146.0201(1) through (9)  
8 or (13) or failure to comply with a directive or order of the Director.

9 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-660-550(5),  
10 upon completion of any investigation of the books and records of a licensee or other person subject to the Act, the  
11 Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the  
12 investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per hour that each  
13 staff person devoted to the investigation.

#### 14 15 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

- 20  
21 **4.1** Respondent NB Capital Mortgage LLC's license to conduct the business of a mortgage broker be  
revoked; and  
22 **4.2** Respondent NB Capital Mortgage LLC and Respondent Becky N. Hoang jointly and severally pay a fine  
of \$6,000;  
23 **4.3** Respondent Becky N. Hoang be prohibited from participation in the conduct of the affairs of any mortgage  
24 broker subject to licensure by the Director, in any manner, for a period of five (5) years; and  
25



1 **4.4** Respondent NB Capital Mortgage LLC and Respondent Becky N. Hoang jointly and severally pay an  
2 investigation fee in the amount of \$864 calculated at \$48 per hour for the eighteen (18) staff hours devoted  
to the investigation; and

3 **4.5** Respondents maintain records in compliance with the Act and provide the Department with the location of  
4 the books, records and other information relating to Respondent NB Capital Mortgage LLC's mortgage  
broker business, and the name, address and telephone number of the individual responsible for maintenance  
5 of such records in compliance with the Act.

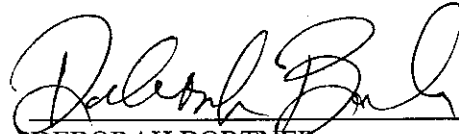
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**V. AUTHORITY AND PROCEDURE**

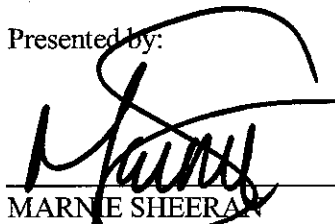
This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Prohibit from Industry and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). 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.

Dated this 22<sup>nd</sup> day of January, 2009.



DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
MARNIE SHEERAN  
Financial Legal Examiner



Approved by:

  
JAMES R. BRUSSELBACK  
Enforcement Chief