

Terms Completed

ORDER SUMMARY – Case Number: C-05-049

Name(s): Vinh Tran
Pacific King Mortgage LLC

Order Number: C-05-049-11-CO01

Effective Date: November 14, 2011

License Number: DFI 24833

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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:

Not Apply Until: N/A

Not Eligible Until:

Prohibition/Ban Until: N/A

Investigation Costs	\$692.81	Due	Paid <input checked="" 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	\$	Due	Paid <input type="checkbox"/> Y <input 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: Assessments paid via bond claim.

RECEIVED

NOV 10 2011

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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-05-049-11-CO01

CONSENT ORDER

PACIFIC KING MORTGAGE, LLC, and
VINH TRAN, President, Owner, and Designated
Broker,

Respondent(s).

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and Pacific King Mortgage,
LLC (Respondent Pacific King) and Vinh Tran, President, Owner, and Designated Broker (Respondent Tran),
and finding that the issues raised in the above-captioned matter may be economically and efficiently settled,
agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of the
Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the
following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and
Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-05-
049-09-SC01 (Statement of Charges), entered February 9, 2009, (copy attached hereto). Pursuant to chapter
19.146 RCW, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of the Administrative Procedure
Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the
issues raised in the above-captioned matter may be economically and efficiently settled by entry of this
Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges. Respondents
are agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

CONSENT ORDER
C-05-049-11-CO01
Pacific King Mortgage, LLC
Vinh Tran

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902.8703

1 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
2 activities discussed herein.

3 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
4 before an administrative law judge, and hereby waive their right to a hearing and any and all administrative
5 and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly,
6 Respondents, by the signatures below, withdraw their appeal to the Office of Administrative Hearings.

7 C. **No Admission of Liability.** It is AGREED that Respondents do not admit to any wrongdoing by
8 entry of this Consent Order.

9 D. **Application for License.** It is AGREED that Respondents shall not conduct any business subject
10 to licensing by the Department without first applying for and obtaining such license. This specifically includes,
11 but is not limited to, conducting business as a mortgage broker, consumer lender, loan originator, or mortgage
12 loan originator. It is further AGREED that, should Respondents apply to the Department for any license under
13 any name at any time, such applying Respondents shall be required to meet any and all application
14 requirements in effect at that time.

15 E. **Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation
16 fee of \$692.81 in the form of a cashier's check made payable to the "Washington State Treasurer" upon entry
17 of this Consent Order.

18 F. **Authority to Execute Order.** It is AGREED that the undersigned have represented and
19 warranted that they have the full power and right to execute this Consent Order on behalf of the parties
20 represented.

21 G. **Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
22 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
23 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
24 pursuing such action, including but not limited to, attorney fees.

1 H. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered
2 into this Consent Order, which is effective when signed by the Director's designee.

3 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
4 Consent Order in its entirety and fully understand and agree to all of the same.

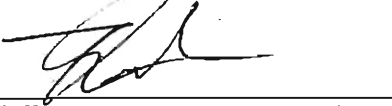
5 **RESPONDENTS:**

6 **Pacific King Mortgage, LLC**

7 By: 

8 Vinh Tran
President and Owner

Date 11/9/11

9 

10 Vinh Tran
Individually

Date 11/9/11

12 **DO NOT WRITE BELOW THIS LINE**

13 THIS ORDER ENTERED THIS 14th DAY OF November, 2011



15 

16 DEBORAH BORTNER
17 Director
18 Division of Consumer Services
19 Department of Financial Institutions

18 Presented by:

19 

20 STEVEN C. SHERMAN
21 Financial Legal Examiner

21 Approved by:

22 

23 JAMES R. BRUSSELBACK
24 Enforcement Chief

24 CONSENT ORDER
C-05-049-11-CO01
Pacific King Mortgage, LLC
Vinh Tran



State of Washington

DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF:

OAH Docket No. 2009-DFI-0037

PACIFIC KING MORTGAGE, LLC, and
VINH TRAN, President, Owner and
Designated Broker,

No. C-05-049-06-FO01

Respondent.

ORDER GRANTING PETITION FOR
REVIEW, REVERSING MODIFIED
INITIAL ORDER OF DISMISSAL UPON
RESPONDENT'S DEFAULT AND
REMANDING CASE FOR
ADJUDICATION

THIS MATTER has come before the Director ("hereinafter, "Director") of the Department of Financial Institutions (hereinafter, "Department") in the above-enumerated administrative action pursuant to MODIFIED INITIAL ORDER OF DISMISSAL UPON RESPONDENT'S DEFAULT dated February 16, 2010 (hereinafter, "Initial Order") based upon a Statement of Charges and NOTICE OF INTENTION TO ENTER AN ORDER TO REVOKE LICENSE, PROHIBIT FROM INDUSTRY, COLLECT ANNUAL ASSESSMENTS, IMPOSE FINE, AND COLLECT INVESTIGATIVE FEE (hereinafter, "Statement of Charges") issued by the Division of Consumer Services (hereinafter, "Division") on or about February 9, 2009, under the authority of the Mortgage Broker Practices Act, Ch. 19.146 RCW (hereinafter, "MBPA").

In reviewing the record received from the Office of Administrative Hearings ("OAH"), it would appear that correspondence and notice to Respondents, including key notices of relevant hearing dates and times, were consistently sent to the wrong address, to wit: Vinh Tran, Pacific King Mortgage, LLC, 1722 *SE* Thistle Street, Seattle, WA 98106 (Emphasis

1 added). As claimed by Vinh Tran in his Petition for Review, his address is actually 1722 *SW*
2 Thistle Street, Seattle, WA 98106 (Emphasis added).

3 Applying the requirements of procedural due process in a light most favorable to
4 Respondents, it is conceivable that Respondents had no notice of the hearing in which their
5 non-appearance resulted in their default.

6 The Director has reviewed the letter of Charles E. Clark, Assistant Attorney General,
7 dated March 23, 2010, in which Mr. Clark argues that the Petition for Review ought to be
8 disallowed due to lack of timeliness. However, the Director notes that he has discretion to treat
9 the Petition for Review as if it were timely based upon the good faith of the Respondents* and
10 in the interest of fair play and substantial justice.

11
12 NOW THEREOFRE, IT IS HEREBY ORDERED AS FOLLOWS:

- 13 1. Respondents' Petition for Review is granted.
14 2. The MODIFIED INITIAL ORDER OF DISMISSAL UPON RESPONDENT'S
15 DEFAULT is hereby reversed.
16 3. This matter is hereby remanded to OAH for adjudication and hearing.

17 Dated at Tumwater, Washington, on this 23rd day of June, 2011.

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20 WASHINGTON STATE DEPARTMENT
21 OF FINANCIAL INSTITUTIONS

22 By: 


23 Scott Jarvis, Director
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34 * The Petition for Review was stamped as "filed" by OAH Seattle as of March 9, 2010.

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CERTIFICATE OF SERVICE

I, SUSAN PUTZIER, certify that I personally delivered or mailed a copy of the ORDER GRANTING PETITION FOR REVIEW, REVERSING MODIFIED INITIAL ORDER OF DISMISSAL UPON RESPONDENT'S DEFAULT AND REMANDING CASE FOR ADJUDICATION to parties named below at their respective addresses, postage pre-paid, on the date stated hereinabove.



SUSAN PUTZIER

Mailed to the following:

Charles E. Clark, Esq.
Assistant Attorney General
Government Compliance & Enforcement
ATTORNEY GENERAL OF WASHINGTON
P.O. Box 40100 Olympia, WA 98504-0100

Vinh Tran
PACIFIC KING MORTGAGE, LLC
1722 SW Thistle Street
Seattle, WA 98106

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

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

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PACIFIC KING MORTGAGE, LLC, and
VINH TRAN, President, Owner and Designated
Broker,

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Respondents.

NO. C-05-049-09-SC01

STATEMENT OF CHARGES and NOTICE OF
INTENTION TO ENTER AN ORDER TO REVOKE
LICENSE, PROHIBIT FROM INDUSTRY,
COLLECT ANNUAL ASSESSMENTS, IMPOSE
FINE, 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)¹. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of this document, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Pacific King Mortgage, LLC (Respondent Pacific King)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on October 24, 2003. Respondent Pacific King was licensed until its license expired on December 31, 2007. Respondent Pacific King was licensed to conduct the business of a mortgage broker at 157 SW 116th St., Seattle, Washington, 98146. From July 7, 2003, to October 24, 2003, Respondent Pacific King was licensed as a mortgage broker under the name V.P. Mortgage Funding, LLC.

B. **Vinh Tran (Respondent Tran)** is the Owner and Designated Broker of Respondent Pacific King. Respondent Tran was named Designated Broker of Respondent Pacific King on October 23, 2003, and

¹ RCW 19.146 (1994) unless otherwise noted (2006).

1 has continued as the Designated Broker to date. Respondent Tran was licensed as a loan originator with the
2 Department on January 1, 2007, which expired on December 31, 2007.

3 **1.2 Failure to Pay Annual Assessments.** An annual assessment fee for each license is due to the
4 Department no later than the last business day of July for the year then ended. The Department has not received
5 annual assessments due from Respondents for the years ending July 31, 2005, 2006, and 2007. Annual
6 assessments in the amount of \$530.86, were due to the Department no later than the last business day of July,
7 2005, 2006, and 2007.

8 To obtain payment for the annual assessments due from the Respondents, the Department filed a bond
9 claim with The Hartford Insurance Company and recovered the assessment owed for 2005 (\$530.86). The
10 assessments due for 2006 and 2007 remain outstanding.

11 **1.3 Failure to Maintain Bond.** On November 15, 2004, the Department received notice from The
12 Hartford Insurance Company that Respondent Pacific King's surety bond would be cancelled, effective
13 December 19, 2004. To date, Respondents have failed to notify the Department of the cancellation of the surety
14 bond and have failed to provide the required surety bond or an approved alternative.

15 **1.4 Failure to Submit Continuing Education Certificates.** A certificate of satisfactory completion of an
16 approved continuing education course by a licensee's Designated Broker is due to the Department no later than
17 the last business day of July of each year. To date, the Department has not received the required certificates
18 from Respondent Tran for the years ended July, 2005, 2006, and 2007.

19 **1.5 Failure to Respond to Directives.** On November 17, 2004, the Department served a directive on
20 Respondent by First Class mail. The Department sent this directive to Respondent Pacific King's mailing and
21 physical address of record; 157 SW 116th Street, Seattle, Washington 98146. This mailing was not returned to
22 the Department. The directive required the Respondent to provide evidence of a surety bond within 10 days of
23 the date of the directive. In addition, on December 28, 2004, the Department sent the same directive via
24 certified mail to 409 S. Henderson Street, Seattle, Washington, 98108. This time the Directive was returned as
25 unclaimed. On September 27, 2005, the Department sent a directive via certified mail to 902 S. Henderson.

1 Respondent Tran received the directive as evidenced by the signature on the return receipt. The September 27,
2 2005, directive required Respondents Pacific King and Tran to send the Department a Mortgage Broker Closure
3 Form and to surrender the original Mortgage Broker License. On August 20, 2008, the Department sent a
4 directive to the Respondents directing the Respondents deliver a complete 2007 Mortgage Broker Annual
5 Report by September 1, 2008. On October 29, 2008, the Department sent another directive to the Respondents
6 requesting the 2007 Mortgage Broker Annual Report be filed by November 13, 2008. To date, the Department
7 has not received a response to these directives.

8 **1.6 Failure to Notify Department of Significant Developments.**

9 A. As stated in paragraph 1.3, to date, Respondents have not notified the Department of the
10 cancellation of Respondent Pacific King's surety bond.

11 B. As noted in paragraph 1.5, mail from the Department addressed to Respondent Pacific King's
12 licensed location has been returned by the United States Postal Service marked "Moved, Left no address,
13 Unable to Forward." To date, Respondents have not notified the Department of a change in location of
14 Respondent Pacific King's principal place of business.

15 C. Respondents have not notified the Department that they have ceased operations in the State of
16 Washington.

17 **1.7 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
18 Respondents continues to date.

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

20 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I
21 above, Respondents are in apparent violation of RCW 19.146.205(4)(a), WAC 208-660-080(1) and WAC 208-
22 660-175 (2006), for failing to file and maintain a surety bond or approved alternative with the Department.

23 **2.2 Requirement to Submit Certificate of Completion of Continuing Education.** Based on the Factual
24 Allegations set forth in Section I above, Respondent Tran is in apparent violation of RCW 19.146.215, WAC
25 208-660-042, and WAC 208-660(9) and (10) (2006), for failing to complete the annual continuing education

1 requirement and file a certificate of satisfactory completion no later than the last business day of the month in
2 which the anniversary date of the issuance of the licensee's license occurs.

3 **2.3 Requirement to Pay Annual Assessments.** Based on the Factual Allegations set forth in Section I
4 above, Respondents are in apparent violation of RCW 19.146.228(1), WAC 208-660-060(3), WAC 208-660-
5 061, and WAC 208-660-550 (2006), for failing to pay to the Director an annual assessment fee no later than the
6 last business day of the month in which the anniversary date of the issuance of the mortgage broker's license
7 occurs.

8 **2.4 Requirement to Respond to Directives.** Based on the Factual Allegations set forth in Section I above,
9 Respondents are in apparent violation of RCW 19.146.235 and RCW 19.146.235 (2)(c) (2006), for failing to
10 respond to a directives issued by the Director within the time period prescribed within the directives.

11 **2.5 Requirement to Notify Department of Significant Developments.** Based on the Factual Allegations
12 set forth in Section I above, Respondents are in apparent violation of WAC 208-660-150(1)(e), WAC 208-660-
13 150(2), WAC 208-660-150(3)(b), and WAC 208-660-400(14) for failing to notify the Director in writing
14 within thirty days after receipt of notification of cancellation of the licensee's surety bond, failing to notify the
15 Director in writing ten days prior to a change of the location of the licensee's principal place of business or any
16 of its branch offices, failing to notify the Director in writing within five days after a change in mailing address,
17 and failing to notify the Department within 20 days of ceasing to conduct business.

18 III. AUTHORITY TO IMPOSE SANCTIONS

19 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(b)(ii) and (iii), 19.146.220(2)(c)(d)(e)
20 (2006), WAC 208-660-160, and WAC 208-660-530(2) (2006), the Director may revoke a license for failure to
21 pay a fee required by the Director or maintain the required bond, or failure to comply with any directive or
22 order of the Director.

23 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e)(iv) and RCW
24 19.146.220(5)(d) (2006), the Director may issue orders removing from office or prohibiting from participation
25 in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan

1 originator of any licensed mortgage broker or any person subject to licensing under the Act for failure to
2 comply with a directive or order of the Director.

3 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(ii), RCW 19.146.220(2)(c), (d) and (e)
4 (2006), WAC 208-660-165, and WAC 208-660-530(6) (2006), the Director may impose fines on a licensee,
5 employee or loan originator of the licensee, or other person subject to the Act for failure to comply with a
6 directive or order of the Director.

7 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), (1994 and 2006), WAC 208-
8 660-060(4), WAC 208-660-061, upon completion of any investigation of the books and records of a licensee or
9 other person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a
10 billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of \$47.78 per
11 hour that each staff person devoted to the investigation prior to January 1, 2007 and \$48 per hour that each staff
12 person devoted to the investigation after January 1, 2007.

13 14 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

- 18 **4.1** Respondent Pacific King Mortgage LLC's license to conduct the business of a mortgage broker be
19 revoked; and
- 20 **4.2** Respondents Pacific King Mortgage LLC and Vinh Tran jointly and severally pay the cumulative
21 delinquent main office Annual Assessments due through July 31, 2007, totaling \$1061.72; and
- 22 **4.3** Respondents Pacific King Mortgage LLC and Vinh Tran jointly and severally pay a fine of \$3000; and
- 23 **4.4** Respondent Pacific King Mortgage LLC, be prohibited from participation in the conduct of the affairs of
24 any mortgage broker subject to licensure by the Director, in any manner, for a period of five (5) years; and
- 25 **4.5** Respondent Vinh Tran be prohibited from participation in the conduct of the affairs of any mortgage
broker subject to licensure by the Director, in any manner, for a period of five (5) years; and

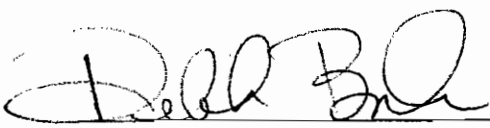
1 4.6 Respondents Pacific King Mortgage LLC and Vinh Tran jointly and severally pay an investigation fee,
2 which at the time this document was issued, totaled \$692.81 calculated at \$47.78 per hour for the fourteen
and one-half (14.5) staff hours devoted to the investigation; and

3 4.7 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 Pacific King's mortgage broker business,
and the name, address and telephone number of the individual responsible for maintenance of such records
5 in compliance with the Act.

5 **IV. AUTHORITY AND PROCEDURE**

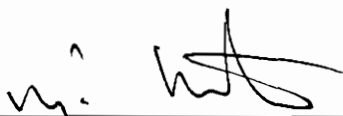
6 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from
7 Industry, Collect Annual Assessments, Impose Fine, and Collect Investigation Fee (Statement of Charges) is
8 entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and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

12
13 Dated this 9th day of February, 2009.

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16 DEBORAH BORTNER
17 Director
18 Division of Consumer Services
19 Department of Financial Institutions

17 Presented by:

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19 

20 WILLIAM HALSTEAD
21 Financial Legal Examiner



22 Approved by:

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25 JAMES R. BRUSSELBACK
Enforcement Chief