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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:

PETER DANCE, Loan Officer,
Respondent.

NO. C-05-070-08-FO01

FINAL ORDER

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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 August 27, 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry (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 August 29, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Peter Dance. The Department served the Statement of Charges, cover letter dated August 29, 2007, Notice of Opportunity to Defend and Opportunity for Hearing and blank Application for Adjudicative Hearing for Peter Dance on Respondent on August 29, 2007 by first class mail and Federal Express overnight delivery. On September 4, 2007, the documents sent via Federal Express overnight delivery were returned to the Department as undeliverable. The documents sent via first class mail were not returned to the Department by the United States Post Office.

1 Peter Dance did not request an adjudicative hearing within twenty calendar days after the
2 Department served him with the Notice of Opportunity to Defend and Opportunity for Hearing, as
3 provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated August 29,
6 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Peter Dance, with documentation of service.

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

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

14 A. IT IS HEREBY ORDERED, That: Respondent Peter Dance is banned from participation
15 in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner,
16 for a period of ten (10) years.
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18 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
19 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
20 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
21 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
22 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
23 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
24 Reconsideration a prerequisite for seeking judicial review in this matter.
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1 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
2 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
3 notice specifying the date by which it will act on a petition.

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

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

10 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for
11 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
12 attached hereto.
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14 DATED this 8th day of August, 2008.

15 STATE OF WASHINGTON
16 DEPARTMENT OF FINANCIAL INSTITUTIONS



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DEBORAH BORTNER
DIRECTOR
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:

Peter Dance, Loan Officer,

Respondent.

NO. C-05-070-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO PROHIBIT FROM INDUSTRY

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 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 Respondent Peter T. Dance (Respondent Dance) was a loan officer who has been know to conduct business at the following locations:

WASAU Mortgage Corp.
3025 112th Ave. NE Ste. 110
Bellevue, WA

Latitude Mortgage, Inc.
941 Powell Ave. SW Ste 150
Renton, WA 98055

American Home Lending Corp.
34828 Enumclaw-Black Diamond Hwy

¹ RCW 19.146 (1994)

1 Black Diamond, WA 98010

2 Respondent Dance was also known to do business under the name "Springfield Financial."

3 **1.2 Prohibited Acts.** On May 26, 2006, Respondent Dance was charged, in King County Superior Case
4 No. 06-1-044754-7 SEA, with Theft 1, in violation of RCW 9A.56.030, for the wrongful conversion of a
5 mortgage broker's check for fees. On March 28, 2007, Respondent Dance was sentenced to one count of Theft
6 1 in Case No. 06-1-044754-7 SEA. Respondent Dance was ordered to serve 30 days of confinement in the King
7 County Jail and pay a fine of \$500.

8 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
9 Respondent continues to date.

10 II. GROUNDS FOR ENTRY OF ORDER

11 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-010(29),
12 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
13 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
14 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
15 person in obtaining or applying to obtain a residential mortgage loan.

16 **2.2 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is in
17 apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device or
18 artifice to defraud or mislead borrowers or lenders or any person, engaging in an unfair or deceptive practice
19 toward any person, or obtaining property by fraud or misrepresentation.

20 III. AUTHORITY TO IMPOSE SANCTIONS

21 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e)(i), (ii), (iii) and (iv), the
22 Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of
23 a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
24 mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1)
25 through (9) or (12), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or

1 RCW 19.146.265, false statements or omission of material information on the application that, if known, would
2 have allowed the Director to deny the application for the original license, conviction of a gross misdemeanor
3 involving dishonesty or financial misconduct or a felony after obtaining a license, or failure to comply with a
4 directive or order of the Director.

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

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

10 **4.1** Respondent Peter T. Dance 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 ten (10) years.

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13 **V. AUTHORITY AND PROCEDURE**

14 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit From Industry
15 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
16 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative
17 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF
18 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of
19 Charges.

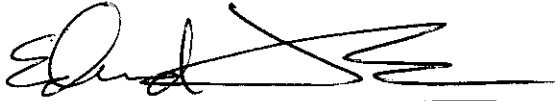
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2 Dated this 27th day of August, 2007.

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

9 Presented by:

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12 EDWARD P. JURSEK
13 Financial Legal Examiner

14 Approved by:

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17 JAMES R. BRUSSELBACK
18 Enforcement Chief

