

1 Fine, Prohibit from Industry, and Collect Investigative Fee (Amended Statement of Charges) adding A-
2 Northwest Mortgage as a Respondent. A copy of the Amended Statement of Charges is attached and
3 incorporated into this order by this reference. The Amended Statement of Charges was accompanied by a
4 cover letter dated October 11, 2006, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank
5 Applications for Adjudicative Hearing for Emerald Financial, Inc., A-Northwest Mortgage, and Amira Atan
6 Moore. The Department served the Statement of Charges, cover letter dated October 11, 2006, Notice of
7 Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for
8 Emerald Financial, Inc., A-Northwest Mortgage, and Amira Atan Moore on Respondents on October 11, 2006,
9 by first class mail and on October 25, 2006 by Federal Express overnight delivery. On October 23, 2006,
10 Respondent Amira Atan Moore submitted to the Department a Waiver of Right to Commencement of
11 Adjudicative Proceeding within 90 Days which was effective through May 15, 2007.

12 On May 1, 2007, the Department made a request to the Office of Administrative Hearings (OAH) to
13 assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. On
14 May 23, 2007, OAH issued a Notice of Assignment of Administrative Law Judge assigning ALJ Gail G.
15 Maurer (ALJ Maurer) to preside over prehearing and hearing proceedings and issue an Initial Decision. On
16 May 23, 2007, ALJ Maurer issued a Notice of Prehearing Conference scheduling a prehearing conference on
17 June 21, 2007 at 8:30 a.m. On June 21, 2007, a representative for the Department and Respondent Amira Atan
18 Moore attended a telephonic prehearing conference. On June 28, 2007, ALJ Maurer issued a Prehearing
19 Conference Order and Notice of Hearing scheduling a hearing on September 27, 2007, at 9:00 a.m.. On
20 September 27, 2007, Respondent Amira Atan Moore called OAH to request a continuance of the hearing. The
21 hearing was convened by ALJ Maurer at 9:00 a.m. with Respondent Amira Atan Moore appearing
22 telephonically. ALJ Maurer denied the Respondents' motion to continue, but thereafter granted a joint motion
23 to continue based upon the parties' joint representation that an accord had been reached. On October 22, 2007,
24 ALJ Maurer entered an Order of Continuance for Submission of Agreed Order on Amended Statement of

1 Charges setting a deadline for entry of an Agreed Order for Thursday, December 20, 2007, at 5:00 p.m. On
2 December 20, 2007, no agreed order had been filed; so on December 26, 2007, ALJ Maurer entered a Notice of
3 Status Conference ordering the parties to appear on January 22, 2008, at 8:30 a.m. for a telephone conference
4 call. The Notice of Status Conference was served on Respondent Amira Atan Moore by U.S. Mail on
5 December 26, 2007, and contained the following instruction: **“You must provide this office with a telephone
6 number where you can be reached for the prehearing conference, or a default or dismissal may be
7 entered.”** On January 22, 2008, the Status Conference was convened by ALJ Maurer at 8:30 a.m. A
8 representative for the Department appeared by telephone, but Respondents failed to appear, had failed to
9 provide a telephone number, and failed to answer or otherwise respond to two telephone calls that ALJ Maurer
10 made to the last known telephone number provided by Respondent Amira Atan Moore in June 2007. The
11 Department moved for an order of default based on Respondents’ failure to appear. On January 29, 2008, ALJ
12 Maurer entered an Order of Dismissal – Appellant Default, dismissing the proceedings and notifying
13 Respondent Amira Atan Moore of her right to move to vacate the Order of Dismissal by filing a written motion
14 to vacate pursuant to RCW 34.05.440(3) with seven (7) days of the date of the default order. The Order of
15 Dismissal was served on Respondent Amira Atan Moore on January 29, 2008, by U.S. mail at the address
16 provided on Respondent Amira Atan Moore’s Application for Administrative Hearing. Respondents did not
17 make a request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211,
18 Respondents had twenty (20) days from the date of service of the Order of Default and Initial Order to file a
19 Petition for Review of the Order of Default and Initial Order with the Director. Respondents did not file a
20 Petition for Review during the statutory period.

21 B. Record Presented. The record presented to the Director for review and for entry of a final
22 decision included the following:

- 23 1. Statement of Charges, cover letter dated July 21, 2006, and Notice of Opportunity to Defend
24 and Opportunity for Hearing, with documentation of service;

2. Amended Statement of Charges, cover letter dated October 11, 2006, and Notice of Opportunity to Defend and Opportunity for hearing, with documentation of service;
3. Applications for Adjudicative Hearing for Emerald Financial, Inc., and Amira Atan Moore;
4. Request to OAH for Assignment of Administrative Law Judge;
5. Notice of Assignment of Administrative Law Judge dated May 23, 2007, with documentation of service;
6. Notice of Prehearing Conference dated May 23, 2007, with documentation of service;
7. Prehearing Conference Order and Notice of Hearing dated June 28, 2007, with documentation of service;
8. Order of Continuance for Submission of Agreed Order dated October 22, 2007, with documentation of service;
9. Notice of Status Conference dated December 26, 2007, with documentation of service;
10. Order of Dismissal – Appellant Default dated January 29, 2008, with documentation of service.

C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the Director hereby adopts the Statement of Charges, which is attached hereto.

II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

1. Respondent Emerald Financial, Inc.'s license to conduct the business of a Mortgage Broker is revoked; and
2. Respondents Emerald Financial, Inc., and Amira Atan Moore shall jointly and severally pay a fine of \$5,250; and
3. Respondent Emerald Financial, Inc., is 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
4. Respondent Amira Atan Moore is 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 5. Respondents Emerald Financial, Inc., and Amira Atan Moore shall jointly and severally pay
2 an investigation fee of \$215.01; and

3 6. Respondents shall maintain records in compliance with the Act and provide the Department
4 with the location of the books, records, and other information relating to Respondent Emerald
5 Financial, Inc.'s mortgage broker business, and the name, address, and telephone number of
6 the individual responsible for maintenance of such records in compliance with the Act.

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

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

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

20 D. Judicial Review. Respondents have the right to petition the superior court for judicial
21 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition
22 for Judicial Review, see RCW 34.05.510 and sections following.


23 E. Non-compliance with Order. If Respondents do not comply with the terms of this order, the
24 Department may seek its enforcement by the Office of Attorney General to include the collection of the fines and
25 fees imposed herein. The financial obligations imposed by this Order are due to the Department within thirty (30)
26 days of the entry of this Order.

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

3 DATED this 5th day of March, 2008.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



SCOTT JARVIS
DIRECTOR