

TERMS COMPLETED

CONSENT ORDER SUMMARY - Case Number: C-06-132

Name(s) Options Home Mortgage
Chad Dillinger
Tamber Dillinger aka Tamber Parrish

Order Number C-06-132-07-CO01

Effective Date January 10, 2008

License Number N/A

License Effect Unlicensed

Not Apply until January 10, 2015

Prohibition/Ban until January 10, 2015

Investigation Costs				
\$501.69	Due	Paid Y	Date 1/10/ 2008	

Assessment(s)				
\$	Due	Paid Y N	Date	

Monetary Penalty				
\$	Due	Paid Y N	Date	

Other

Special Instructions

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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:

NO. C-06-132-07-CO01

CHAD DILLINGER, and TAMBER DILLINGER,
aka TAMBER PARRISH,
Respondents.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Chad Dillinger and Tamber Dillinger aka Tamber Parrish (hereinafter collectively, Respondents), and finding that the issues raised in the 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 Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

I. STIPULATION OF THE PARTIES

The parties stipulate and agree as follows:

1.1 This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington, the Mortgage Broker Practices Act, and RCW 34.05.060 of the Administrative Procedure Act.

1.2 Pursuant to RCW 19.146.220, the Director of the Department of Financial Institutions is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act. Respondents are fully apprised of the fact that the Director of the Department of Financial Institutions has the power and authority to deny, grant, decline to renew, suspend or revoke, or assess a monetary fine regarding applications and licenses of mortgage brokers in the State of Washington as specified in chapter 19.146 RCW.

CONSENT ORDER

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Isreal Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 1.3 The Department entered Statement of Charges and Notice of Intention to Enter an Order to Impose
2 Fine, Prohibit from Industry, and Collect Investigation Fee (No. C-06-132-06-SC01) against Respondents on
3 January 31, 2007.

4 1.4 As an economical and efficient method of resolving the issues raised in Statement of Charges No. C-
5 06-132-06-SC01, the parties wish to expedite the resolution of the matter by means of a Consent Order.

6 1.5 The parties agree to be bound by the terms and conditions of the Consent Order set forth below
7 and enter into this Consent Order voluntarily.

8 1.6 Respondents are fully apprised of the fact that the Department is prepared to proceed to a
9 hearing upon the merits of this case. Respondents likewise are prepared to proceed to a hearing upon the
10 merits of this matter.

11 1.7 Respondents have been informed and understand that the Respondents have the right to defend
12 this matter by presenting evidence in Respondents' behalf at a hearing before an administrative law judge
13 and hereby waive this right to a hearing and any and all administrative and judicial review of issues raised
14 in this matter or the resolution reached herein. Accordingly, Respondents agree to dismiss their appeal and
15 to inform the Office of Administrative Hearings in writing of their dismissal.

16 1.8 Respondents did not intentionally or willfully commit the violations described herein.

17 1.9 The undersigned represent and warrant that they have the full power and right to execute this Consent
18 Order on behalf of the parties named.

19 1.10 Respondents understand that failure to abide by the terms of this Consent Order may result in
20 further legal action by the Director. In the event of such legal action, Respondents may be responsible to
21 reimburse the Director for the costs incurred in pursuing such action, including but not limited to, attorney fees.

22 1.11 The Consent Order becomes effective and is binding on the parties hereto when signed by the
23 Director's designee.

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CONSENT ORDER

1 1.12 Respondents have read this Consent Order in its entirety and fully understand and agree to all
2 of the same.

3 II. FINDINGS OF FACT

4 2.1 Chad Dillinger (Respondent Chad Dillinger) engaged in business as a mortgage broker using the
5 business name "Options Home Mortgage," at a business address of 424 Long Avenue, Kelso, WA 98626.
6 Chad Dillinger's last known address is 1 Forest Hill Estate, Longview, WA 98632.

7 2.2 Tamber Dillinger, aka Tamber Parrish (Respondent Tamber Dillinger) engaged in business as a
8 mortgage broker using the business name "Options Home Mortgage," at a business address of 424 Long
9 Avenue, Kelso WA, 98626. Tamber Dillinger's last known address is 1 Forest Hill Estate, Longview, WA
10 98632.

11 2.3 Between January 31, 2000 and February 1, 2001, Respondents Chad and Tamber Dillinger
12 assisted at least nine (9) borrowers in applying to obtain residential mortgage loans on property located in the
13 State of Washington from the unlicensed location discussed in paragraph 2.1 and 2.2. Neither Respondents
14 nor the entity Options Home Mortgage have ever held a mortgage broker license in the State of Washington.
15 Options Home Mortgage applied to the Department for a mortgage broker license on May 11, 2001, but the
16 application was withdrawn on June 21, 2001.

17 2.4 On June 22, 2006, the Department served Respondents with a subpoena by Federal Express
18 delivery. Federal Express confirmed that Respondent Tamber Dillinger received the subpoena on June 23,
19 2006. On June 23, 2006, the Department received an incomplete facsimile response to the subpoena. The
20 response, prepared by Tamber Dillinger acknowledged ordering appraisals from appraiser Beyrooty Appraisal
21 Services. Respondent Tamber Dillinger acknowledged that she did not have a mortgage broker license, but
22 failed to provide an explanation of her apparent unlicensed activity as required by the subpoena. To date,
23 Respondents have failed to comply with the Subpoena and provide an explanation for their unlicensed activity.
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1 Respondents have also failed to comply with the subpoena by providing copies of the Final HUD-1 or HUD-1A
2 for each loan for which an appraisal was ordered, and the trust deposit check or receipt for each borrower.

3 2.5 Between January 31, 2000, and February 1, 2001, Respondents ordered at least nine appraisals
4 from Beyrooty Appraisal Services. Appraiser Beyrooty has provided the Department with a list of sixteen (16)
5 appraisals that were apparently ordered by Options Home Mortgage. The Department has copies of nine (9)
6 Requests for Appraisal from Options Home Mortgage submitted by Tamber Dillinger. Respondents have failed
7 to pay for these appraisals, and Respondent Tamber Dillinger has acknowledged that Respondents did not pay
8 for the appraisals.

9 III. CONCLUSIONS OF LAW

10 From the foregoing Stipulation of the Parties and Findings of Fact, the Director enters the following
11 Conclusions of Law:

12 3.1 The Director of the Department of Financial Institutions of the State of Washington has jurisdiction
13 over Respondents and over the subject matter herein.

14 3.2 The conduct described above in section II constitutes grounds for the imposition of sanctions in
15 accordance with the provisions of chapter 19.146 RCW.

16 3.3 The conduct described in section II above constitutes violations of RCW 19.146.200, RCW
17 19.146.0201(2), and RCW 19.146.0201(11).¹

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23 ¹ These citations are to the law in effect at the time of the conduct. The Mortgage Broker Practices
24 Act was amended in 2006 and became effective January 1, 2007. The corresponding citations to the current
25 law are RCW 19.146.200(1), RCW 19.146.0201(2), and RCW 19.146.0201(12) respectively.

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IV. ORDER

Based on the foregoing Stipulation of the Parties, Findings of Fact, and Conclusions of Law, the Director hereby ORDERS as follows:

4.1 Respondent Chad Dillinger is prohibited from participating in the conduct of the affairs of any mortgage broker licensed by the Department or any mortgage broker exempt from licensing under RCW 19.146.020(e) & (g)² for seven (7) years from the date of entry of this Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, designated broker, employee, or loan originator or (3) any management, control, oversight or maintenance of any trust account(s) in any way related to any residential mortgage transaction or (4) receiving, disbursing, managing or controlling in any way, consumer trust funds in any way related to any residential mortgage transaction.

4.2 Respondent Tamber Dillinger aka Tamber Parrish is prohibited from participating in the conduct of the affairs of any mortgage broker licensed by the Department or any mortgage broker exempt from licensing under RCW 19.146.020(e) & (g)³ for seven (7) years from the date of entry of this Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, designated broker, employee, or loan originator or (3) any management, control, oversight or maintenance of any trust account(s) in any way related to any residential mortgage transaction or (4) receiving, disbursing, managing or controlling in any way, consumer trust funds in any way related to any residential mortgage transaction.

4.3 Respondents shall pay an investigation fee in the amount of five hundred and one dollars and sixty-nine cents (\$501.69), the fee is to be paid in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

² 2007 Act
³ 2007 Act

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RESPONDENTS:

Chad Dillinger

Date

1-10-08

Tamber Dillinger aka Tamber Parrish

Date

1-10-08

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 10th DAY OF January, 2008.

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

PATIMA BATIE
Financial Legal Examiner Supervisor

Approved by:

JAMES R. BRUSSELBACK
Enforcement Chief



CONSENT ORDER

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

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

CHAD DILLINGER, and TAMBER
DILLINGER, aka TAMBER PARRISH,

Respondents.

NO. C-06-132-06-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO 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). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of January 31, 2007, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Chad Dillinger (Respondent Chad Dillinger) engaged in business as a mortgage broker using the business name "Options Home Mortgage," at a business address of 424 Long Avenue, Kelso, WA 98626. Chad Dillinger's last known address is 1 Forest Hill Estate, Longview, WA 98632.

B. Tamber Dillinger, aka Tamber Parrish (Respondent Tamber Dillinger) engaged in business as a mortgage broker using the business name "Options Home Mortgage," at a business address of 424 Long Avenue, Kelso WA, 98626. Tamber Dillinger's last known address is 1 Forest Hill Estate, Longview, WA 98632.

1 **1.2 Unlicensed Activity.** Between January 31, 2000 and February 1, 2001, Respondents Chad and Tamber
2 Dillinger assisted at least nine (9) borrowers in applying to obtain residential mortgage loans on property
3 located in the State of Washington from the unlicensed location discussed in paragraph 1.1. Neither
4 Respondents nor the entity Options Home Mortgage have ever held a mortgage broker license in the State of
5 Washington. Options Home Mortgage applied to the Department for a mortgage broker license on May 11,
6 2001, but the application was withdrawn on June 21, 2001.

7 **1.3 Failure to Respond to Subpoena.** On June 22, 2006, the Department served Respondents with a
8 subpoena by Federal Express delivery. Federal Express confirmed that Respondent Tamber Dillinger received
9 the subpoena on June 23, 2006. On June 23, 2006, the Department received an incomplete facsimile response
10 to the subpoena. The response, prepared by Tamber Dillinger acknowledged ordering appraisals from appraiser
11 Beyrooty Appraisal Services. Respondent Tamber Dillinger acknowledged that she did not have a mortgage
12 broker license, but failed to provide an explanation of her apparent unlicensed activity as required by the
13 subpoena. To date, Respondents have failed to comply with the Subpoena and provide an explanation for their
14 unlicensed activity. Respondent have also failed to comply with the subpoena by providing copies of the Final
15 HUD-1 or HUD-1A for each loan for which an appraisal was ordered, and the trust deposit check or receipt for
16 each borrower.

17 **1.4 Prohibited Acts.** Failure to pay fee for third party service providers.

18 In between January 31, 2000, and February 1, 2001, Respondents ordered at least nine appraisals from
19 Beyrooty Appraisal Services. Appraiser Beyrooty has provided the Department with a list of sixteen (16)
20 appraisals that were apparently ordered by Options Mortgage. The Department has copies of nine (9) Requests
21 for Appraisal from Options Home Mortgage submitted by Tamber Dillinger. Respondents have failed to pay
22 for these appraisals, and Respondent Tamber Dillinger has acknowledged that Respondents did not pay for the
23 appraisals.

24 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
25 Respondents continues to date.

II. GROUNDS FOR ENTRY OF ORDER

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2 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-010(29),
3 “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of compensation or
4 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
5 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
6 person in obtaining or applying to obtain a residential mortgage loan.

7 **2.2 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a “Borrower” is defined as any
8 person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or
9 information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons
10 including himself or herself, regardless of whether the person actually obtains such a loan.

11 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are
12 in apparent violation of RCW 19.146.0201(2) for engaging in an unfair or deceptive act or practice, and RCW
13 19.146.0201(11) for failing to pay third-party providers no later than thirty days after the recording of the loan
14 closing documents or 90 days after the completion of the third party services.

15 **2.4 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in
16 Section I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a
17 mortgage broker without first obtaining and maintaining a license under the Act.

III. AUTHORITY TO IMPOSE SANCTIONS

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19 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i) and (ii), and WAC 208-660-165, the
20 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to
21 the Act for any violations of RCW 19.146.0201(2), or failure to comply with a directive or order of the
22 Director.

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

1 mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(2), or
2 failure to comply with a directive or order of the Director.

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

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

- 7 **4.1** Respondents Chad Dillinger and Tamber Dillinger, aka Tamber Parrish, jointly and severally pay a fine of
8 \$ 6000 for:
 - 9 **a.** Violating RCW 19.146.0201(2), calculated at \$100 per day for 30 days; and
 - 10 **b.** Failing to comply with a directive of the director, calculated at \$100 per day for 30 days; and
- 11 **4.2** Respondent Chad Dillinger be prohibited from participation in the conduct of the affairs of any mortgage
12 broker subject to licensure by the Director, in any manner, for a period of five (5) years; and
- 13 **4.3** Respondent Tamber Dillinger, aka Tamber Parrish, be prohibited from participation in the conduct of the
14 affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of five (5)
15 years; and
- 16 **4.4** Respondents Chad Dillinger and Tamber Dillinger, aka Tamber Parrish, jointly and severally pay an
17 investigation fee in the amount of \$501.69, calculated at \$47.78 per hour for the 10.5 staff hours devoted to
18 the investigation.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine, Prohibit From Industry, and Collect Investigative 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). Respondent 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 31st day of January, 2007.

DEBORAH BORTNER
Acting Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

FATIMA BATIE
Financial Legal Examiner Supervisor



Approved by:

JAMES R. BRUSSELBACK
Enforcement Chief