

ORDER SUMMARY – Case Number: C-06-239

Name(s): Alicia Sison Cortes

Order Number: C-06-239-12-FO01

Effective Date: April 4, 2012

License Number: DFI: 32782 NMLS: 135273

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: April 4, 2019

Investigation Costs	\$1,680	Due NOW	Paid <input type="checkbox"/> Y <input checked="" 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: _____



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

No. C-06-239-12-FO01

ALICIA SISON CORTES,

FINAL ORDER

Respondent.

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), pursuant to RCW 34.05.440(2). On July 23, 2010, the Director, through his designee, Consumer Services Division Director Deborah Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit From Industry, and Collect Investigation Fee (Statement of Charges) against Alicia Sison Cortes (Respondent). 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 July 27, 2010, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents). On July 27, 2010, the Department served Respondent with the Statement of Charges and accompanying documents, sent by First-Class mail.

On August 27, 2010, Respondent filed an Application for Adjudicative Hearing. On September 21, 2010, the Department made a request to the Office of Administrative Hearings (OAH)

1 to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of
2 Charges.

3 On November 8, 2010, ALJ Kimberly A. Boyce (ALJ Boyce) issued a Notice of Prehearing
4 Conference by Telephone scheduling a prehearing conference on Wednesday, December 1, 2010, at
5 3:30 p.m. This Notice included the following: "Parties who fail to attend or participate in a pre
6 hearing, hearing or other stage of an adjudicative proceeding may be held in default in accordance
7 with chapter 34.05 RCW, RCW 34.05.440."

8 On December 1, 2010, representatives of both parties attended a telephonic prehearing
9 conference. On December 2, 2010, ALJ Boyce issued a Prehearing Order/Notice of Hearing
10 scheduling a hearing March 28 & 29, 2011, starting at 9:00 a.m. both days. This Order included the
11 following: "Parties who fail to attend or participate in the hearing or other stage of the adjudicative
12 proceeding may be held in default. RCW 34.05.440(2)."

13 On March 10, 2011, ALJ Boyce issued an Amended Prehearing Order/Notice of Hearing re-
14 scheduling the hearing March 29, 2011, at 9:00 a.m. This Order included the following: "Parties who
15 fail to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in
16 default. RCW 34.05.440(2)."

17 On August 3, 2011, ALJ Anita Crawford-Willis (ALJ Crawford-Willis) issued a Notice of
18 Status Prehearing Conference by Telephone on Monday, September 12, 2011, at 9:00 a.m. This
19 Notice acknowledged that the Department had notified OAH on March 22, 2011, that the parties had
20 reached a settlement and that the Department had notified OAH on August 2, 2011 that the parties
21 were still in the process of finalizing the Consent Order. This Notice included the following: "Parties
22 who fail to attend or participate in a pre hearing, hearing or other stage of an adjudicative proceeding
23 may be held in default in accordance with chapter 34.05 RCW, RCW 34.05.440."

1 On October 5, 2011, OAH issued a Notice of Conference (by telephone) on October 17, 2011,
2 at 11:00 a.m. This Notice included the following: **“You must participate in the conference. If you
3 do not, a default may be entered. This means you lose the opportunity to further challenge the
4 agency action. RCW 34.05.440.”**

5 On October 17, 2011, representatives of both parties attended a telephonic prehearing
6 conference. On October 18, 2011, ALJ Terry A. Schuh (ALJ Schuh) issued a Notice of Hearing and
7 Order Following Prehearing Conference of October 17, 2011 scheduling a hearing December 27,
8 2011, at 9:30 a.m. This Notice included the following: **“IF YOU DO NOT PARTICIPATE IN
9 ANY STAGE OF THE PROCEEDINGS OR IF YOU FAIL TO APPEAR AT YOUR
10 HEARING YOU MAY BE HELD IN DEFAULT AND MAY AUTOMATICALLY LOSE
11 YOUR CASE. RCW 34.05.440.”**

12 On December 27, 2011, the hearing was convened by ALJ Schuh at 9:30 a.m. Respondent
13 did not appear or request a continuance. The Department moved for an order of default dismissing
14 the administrative appeal. On December 27, 2011, ALJ Schuh issued an Initial Order of Default
15 Dismissing Respondent’s Appeal for Failure to Appear (Initial Order of Default) dismissing
16 Respondent’s administrative appeal. On December 27, 2011, ALJ Schuh sent the Initial Order of
17 Default to Respondent via First-Class mail.

18 Pursuant to RCW 34.05.440 and WAC 10-08-110, Respondent had seven (7) days from the
19 date of service of the Initial Order of Default to file a written motion with OAH requesting that the
20 Initial Order of Default be vacated and stating the grounds relied upon. Respondent did not make a
21 request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211,
22 Respondent had twenty (20) days from the date of service of the Initial Order of Default to file a
23

1 Petition for Review of the Initial Order of Default with the Director. Respondent did not file a
2 Petition for Review during the statutory period.

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

- 5 1. Statement of Charges, cover letter dated July 27, 2010, and Notice of Opportunity
6 to Defend and Opportunity for Hearing, with documentation of service.
- 7 2. Application for Adjudicative Hearing for Respondent.
- 8 3. Request to OAH for Assignment of Administrative Law Judge.
- 9 4. Notice of Prehearing Conference by Telephone November 8, 2010, with
10 documentation of service.
- 11 5. Prehearing Order/Notice of Hearing dated December 2, 2010, with documentation
12 of service.
- 13 6. Amended Prehearing Order/Notice of Hearing dated March 10, 2011, with
14 documentation of service.
- 15 7. Notice of Status Prehearing Conference by Telephone dated August 3, 2011, with
16 documentation of service.
- 17 8. Notice of Conference dated October 5, 2011, with documentation of service.
- 18 9. Notice of Hearing and Order Following Prehearing Conference of October 17,
2011 dated October 18, 2011, with documentation of service.
- 19 10. Initial Order of Default Dismissing Respondent's Appeal for Failure to Appear
20 dated December 27, 2011, with documentation of service.

21 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(2), the Director
22 hereby adopts the Statement of Charges.

23 II. FINAL ORDER

24 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 1. The loan originator license of Respondent Alicia Sison Cortes is revoked.
- 2 2. Respondent Alicia Sison Cortes is prohibited from participation in the conduct of
- 3 the affairs of any mortgage broker subject to licensure by the Director, in any
- 4 3. Respondent Alicia Sison Cortes pay to the Washington State Department of
- 5 Financial Institutions an investigation fee of One Thousand Six Hundred Eighty
- 6 Dollars (\$1,680).

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

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

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

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

22 E. Non-compliance with Order. If you do not comply with the terms of this order, the
23 Department may seek its enforcement by the Office of the Attorney General to include the collection

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

ATTORNEY GENERAL
OF WASHINGTON
DEC 28 2011
GOVERNMENT COMPLIANCE
& ENFORCEMENT

In the Matter of Determining Whether
there has been a violation of the
Mortgage Broker Practices Act of
Washington by:

ALICIA SISON CORTES,

Respondent.

OAH Docket No. 2010-DFI-0063
DFI No. C-06-239-10-SC01

INITIAL ORDER OF DEFAULT
DISMISSING RESPONDENT'S
APPEAL FOR FAILURE TO
APPEAR

HEARING

The above-captioned matter was scheduled for a hearing in person at the Tacoma Office of Administrative Hearings on December 27, 2011, at 9:30 a.m. pursuant to due and proper notice to all interested parties.

The Respondent named above did not appear for the hearing or request a continuance.

The Department of Financial Institutions appeared and was represented by Jennifer Elias, Assistant Attorney General, and James R. Brusselback, Enforcement Chief, Enforcement Unit, Division of Consumer Services, Department of Financial Institutions.

MOTION

The Department of Financial Institutions moved for an order of default dismissing the administrative appeal.

ORDER

Now, therefore, it is ORDERED that the Respondent is in DEFAULT pursuant to RCW 34.05.440 and the administrative appeal is hereby **DISMISSED**.

Signed and Issued at Tacoma, Washington, on the date of mailing.



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings

NOTICE OF RIGHT TO FILE A MOTION TO VACATE THE DEFAULT ORDER

The defaulted party may file a written motion requesting the Office of Administrative Hearings vacate the Default Order. Such a motion must be filed within seven (7) days from the date that the default order was mailed and must include the reason why the default order should be vacated. RCW 34.05.440; WAC 10-08-110.

Mail the Motion to Vacate Default to:

The Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

CERTIFICATION OF MAILING IS ATTACHED

1 of the investigation fee imposed herein. The Department also may assign the amount owed to a
2 collection agency for collection.

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

6 DATED this 4th day of April, 2012



8 STATE OF WASHINGTON
9 DEPARTMENT OF FINANCIAL INSTITUTIONS

10 [Redacted Signature]
11 SCOTT JARVIS
12 Director

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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:

ALICIA SISON CORTES,

Respondent.

NO. C-06-239-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE,
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 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 Alicia Sison Cortes (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a loan originator on February 15, 2007, and continues to be licensed to date. As of the date of this Statement of Charges, Respondent's loan originator license is associated with Pinnacle Capital Mortgage Corporation, a consumer loan company licensed by the Department.

1.2 Administrative Action. Respondent was continuously licensed by the Department of Licensing of the State of Washington (DOL) in various real estate capacities from August 26, 1996, until December 1, 2009.

A. On or about April 14, 2009, DOL issued a Statement of Charges against Respondent alleging she had failed to notify DOL of a judgment in which the subject matter involved real estate or a business related

1 activity, and requesting that Respondent's Real Estate Designated Brokers license be revoked for five years.

2 On or about May 6, 2009, Respondent provided DOL with a request for a Brief Adjudicative Proceeding.

3 **B.** On or about September 18, 2009, DOL issued Findings of Fact, Conclusions of Law, and Initial
4 Order of Brief Adjudicative Proceeding remanding the matter to DOL for further review of the charge against
5 Respondent.

6 **C.** On or about November 10, 2009, DOL issued an Amended Statement of Charges against
7 Respondent alleging she had failed to notify DOL of two judgments in which the subject matter involved real
8 estate or a business related activity, and requesting that Respondent's Real Estate Designated Brokers license be
9 revoked for five years. Respondent did not provide DOL with a request for a Brief Adjudicative Proceeding on
10 or before November 30, 2009. The revocation of Respondent's Real Estate Designated Brokers license became
11 final on December 1, 2009.

12 **D.** To date, Respondent has not notified the Department of these administrative actions.

13 **1.3 Judgments.** As of the date of this Statement of Charges, Respondent has at least the following four
14 unsatisfied judgments against her totaling over \$76,000.

15 **A.** On June 10, 1998, Respondent had a \$3,945.03 judgment entered against her in King County
16 Superior Court case number 98-2-14441-6 SEA. On June 3, 2008, an Order Granting Petition for Renewal of
17 Judgment was entered against Respondent, renewing the original judgment for an additional ten years. The
18 renewal order states the judgment totaled \$8,421.19 with accrued interest to May 27, 2008.

19 **B.** On August 6, 2007, Respondent had a \$24,213.50 judgment entered against her in King County
20 Superior Court case number 05-2-40631-3 SEA.

21 **C.** On June 19, 2008, Respondent had a \$7,460 judgment entered against her in King County
22 Municipal Court case number 07-102.

23 **D.** On January 27, 2010, Respondent had a \$36,782.89 judgment entered against her in King County
24 Superior Court case number 05-2-19159-7 SEA.

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1 **1.4 False Statements and Omissions of Material Facts on License Renewals.** On or about December
2 18, 2008, and on or about December 10, 2009, Respondent submitted information on-line through the National
3 Mortgage Licensing System and Registry (NMLSR) to renew her loan originator license.

4 **A.** The NMLSR loan originator license renewals each included the following attestation language:

5 I, Alicia Cortes, swear (or affirm) on [date of renewal attestation] that to the best of
6 my knowledge and belief the information contained in my online record, including
7 any jurisdiction specific requirements where I am licensed or registered, is true,
8 accurate and complete in accordance with the appropriate jurisdiction's law.
9 Additionally, I acknowledge that I have a duty and agree to expediently update and
10 correct the information as it changes.

11 I understand that submitting any false or misleading information, or omitting
12 pertinent or material information, may be grounds for administrative action and/or
13 criminal action.

14 As part of this request for license/registration renewal, I swear and affirm to the
15 following:

16 5. I affirm/attest that I have updated the documents on file with the jurisdiction(s) to
17 disclose any new event or proceeding requiring an affirmative answer to any
18 Disclosure Question which has occurred since submission of my license/registration
19 application or renewal application to the applicable jurisdiction(s). Any documents
20 explaining affirmative answers to any Disclosure Questions previously submitted to
21 each jurisdiction(s) remain true and accurate.

22 **B.** The "Financial Disclosure" section of the NMLSR loan originator license renewal included the
23 following question:

24 (C) Do you have any unsatisfied judgments or liens against you?

25 Respondent answered "No" to this question when submitting her NMLSR loan originator license renewal on or
about December 18, 2008, and on or about December 10, 2009.

C. The "Regulatory Action" section of the NMLSR loan originator license renewal included the
following questions:

(I)(5) Has any State or federal regulatory agency or foreign financial regulatory
authority ever denied, suspended, or revoked your registration or license, disciplined
you, or otherwise by order prevented you from associating with a financial servicers-
related business or restricted your activities?

(K) Are you now the subject of any regulatory action proceeding that could result in a
"yes" answer to any part of I or J?

1 Respondent answered "No" to these questions when submitting her NMLSR loan originator license renewal on
2 or about December 10, 2009.

3 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
4 Respondent continues to date.

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

6 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is in
7 apparent violation of RCW 19.146.0201(8) for negligently making a false statement or knowingly and willfully
8 making an omission of material fact in connection with any reports filed by a mortgage broker or in connection
9 with any investigation conducted by the department.

10 **2.2 Requirement of No Prior License Revocation.** Based on the Factual Allegations set forth in Section I
11 above, Respondent is not eligible to hold a loan originator license under RCW 19.146.310(1)(c) and WAC 208-
12 660-350(2)(b) by ever having a license issued under this Act or any similar state statute revoked.

13 **2.3 Requirement to Notify Department.** Based on the Factual Allegations set forth in Section I above,
14 Respondent is in apparent violation of WAC 208-660-400(21)(b)¹ for failing to notify the Department in writing
15 within ten business days of the occurrence if the subject of any administrative action, including a license
16 revocation action, in any jurisdiction.

17 **III. AUTHORITY TO IMPOSE SANCTIONS**

18 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(e), the Director may revoke a license
19 for any violation of the Act.

20 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
21 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
22 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
23 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).
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¹ WAC 208-660-400(26)(b) from January 1, 2007 through December 31, 2009.

1 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-550(4)(a),
2 the Department may charge forty-eight dollars (\$48) per hour for an examiner's time devoted to an investigation of
3 the books and records of a licensee or other person subject to the Act.

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

5 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
6 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
7 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223 of the 2007 Act.

8 Therefore, it is the Director's intention to ORDER that:

9 **4.1** Respondent Alicia Sison Cortes' loan originator license be revoked.

10 **4.2** Respondent Alicia Sison Cortes be prohibited from participation in the conduct of the affairs of any
11 mortgage broker subject to licensure by the Director, in any manner, for a period of seven years.

12 **4.3** Respondent Alicia Sison Cortes pay an investigation fee. As of the date of this Statement of Charges, the
13 investigation fee totals \$1,680.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, 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). 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 23rd day of July, 2010.



Presented by:

MARK T. OLSON
Financial Legal Examiner



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief