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

IN THE MATTER OF INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

NO. C-07-093-07-FO01

DOMINICK CHARLES WIDDEN,
Respondent.

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 April 6, 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and 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 April 9, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated April 9, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on April 9, 2007, by first class mail and Federal Express overnight delivery. On April 12, 2007, the documents sent via Federal Express overnight delivery were returned to the Department as undeliverable. A second attempt was made on April 13, 2007, to serve the documents via Federal Express Saturday delivery. However, the documents were returned to the Department as undeliverable. The documents sent via first class mail were not returned to the

1 Department by the United States Postal Service. On May 16, 2007, an Address Information Request
2 form was sent to the United States Postal Service Postmaster in Lynnwood, Washington in order to
3 verify that mail is delivered to Respondent at 13909 26th Avenue West, Lynnwood, WA 98087. On
4 June 12, 2007, the Address Information Request form was returned to the Department by the
5 Postmaster. The Postmaster verified that mail for Respondent is delivered to 13909 26th Avenue West,
6 Lynnwood, WA 98087.

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

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11 B. Record Presented. The record presented to the Director's designee for her review and
12 for entry of a final decision included the Statement of Charges, cover letter dated April 9, 2007, Notice of
13 Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing,
14 with documentation of service.

15 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
16 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

17 II. FINAL ORDER

18 Based upon the foregoing, and the Director's designee having considered the record and
19 being otherwise fully advised, NOW, THEREFORE:
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21 A. IT IS HEREBY ORDERED, That:

- 22 1. Respondent Dominick Charles Widden's application for a loan originator license is
denied; and
- 23 2. Respondent Dominick Charles Widden is banned from participation in the conduct of
24 the affairs of any mortgage broker subject to licensure by the Director, in any manner,
through December 11, 2013.

1 DATED this 19 day of June, 2007.

2 STATE OF WASHINGTON
3 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 INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

DOMINICK C. WIDDEN,

Respondent.

NO. C-07-093-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION
AND 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 19.146.310, 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 Dominick C. Widden (Respondent Widden) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Elite Capital LLC, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 11, 2006.

1.2 Prior Criminal Acts. On July 18, 2003, Respondent was convicted in Case No. 03-1-05219-8SEA, of Attempted "Possessing" [sic] Stolen Property in the Second Degree, by the Superior Court of Washington for King County, pursuant to RCW 9A.56.160(1), 9A.56.140(1), 9A.56.010(1).

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¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 **1.3 Responses to Application Questions.** The "Criminal Disclosure" section of the loan originator
2 license application consists of eight questions, and includes the following instruction:

3 "If the answer to any of the following is "YES", provide complete details of all events or proceedings."

4 Respondent Widden answered "NO" to the following questions on the "Criminal Disclosure" section of his
5 loan originator license application:

- 6 • 2 - Have you ever been charged with any felony?
- 7 • 5 - Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a domestic,
8 foreign, or military court to [a] misdemeanor involving: financial services or a financial services-
9 related business or any fraud, false statements or omissions, theft or any wrongful taking of property,
10 bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?
11 If Yes, when and where?
- 12 • 6 - Have you ever been charged with a misdemeanor specified in 5?

13 Respondent Widden was obligated by statute to answer questions on the loan originator application truthfully
14 and to provide the Department with complete details of all events or proceedings.

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

16 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,
17 Respondent Widden fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by
18 having been convicted of a gross misdemeanor involving dishonesty within seven years of the filing of the
19 present application.

20 **2.2 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent
21 Widden is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making
22 any false statement or willfully making any omission of material fact in connection with any application or any
23 information filed by a licensee in connection with any application, examination or investigation conducted by
24 the Department.

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1 **2.3 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
2 forth in Section I above, Respondent Widden fails to meet the requirements of RCW 19.146.300(1) and (2) and
3 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
4 prescribed by the Director.

5 **2.4 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
6 forth in Section I above, Respondent Widden fails to meet the requirements of RCW 19.146.310(1)(g) and
7 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the
8 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
9 within the purposes of the Act.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
12 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
13 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
14 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
15 of the denial.

16 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
17 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
18 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
19 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

21 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
22 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
23 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.
24 Therefore, it is the Director's intention to ORDER that:

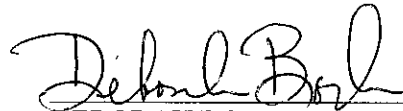
25 **4.1** Respondent Dominick C. Widden's application for a loan originator license be denied.

1 4.2 Respondent Dominick C. Widden be prohibited from participation in the conduct of the affairs of a
2 licensed mortgage broker, in any manner, through December 11, 2013.

3 **V. AUTHORITY AND PROCEDURE**

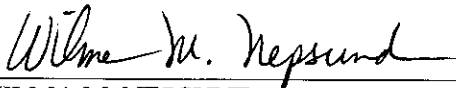
4 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and
5 Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
6 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05
7 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in
8 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
9 Statement of Charges.

10 Dated this 6th day of April, 2007.

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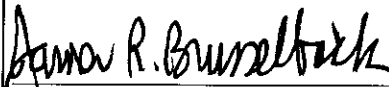
13 DEBORAH BORTNER
14 Director
15 Division of Consumer Services
16 Department of Financial Institutions

15 Presented by:

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18 WILMA M. NEPSUND
19 Financial Examiner

20 Approved by:

21 

22 JAMES R. BRUSSELBACK
23 Enforcement Chief

