

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**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:

SABASTIAN RYAN BROWN,
Respondent.

NO. C-07-150-07-FO01

FINAL ORDER

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(2). On June 11, 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 (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 June 11, 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 June 11, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on June 11, 2007 by first class mail and Federal Express overnight delivery.

On June 20, 2007, Respondent filed an Application for Adjudicative Hearing. On July 3, 2007, the Department made a request to the Office of Administrative Hearings (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. On July 19, 2007, OAH issued a Notice of Prehearing Conference, to be held Wednesday August 1, 2007

1 at 2:00 p.m. On Friday, August 17, 2007, ALJ Jane L. Habegger (ALJ Habegger) issued a Prehearing
2 Conference Order, to be held Monday, August 27, 2007 at 9:00 p.m. On September 27, 2007, ALJ
3 Robert C. Krabill issued an Order of Dismissal, dismissing the hearing as Respondent withdrew the
4 request for a hearing.

5 B. Record Presented. The record presented to the Director's designee for her review
6 and for entry of a final decision included the following:

- 7 1. Statement of Charges, cover letter dated June 11, 2007, and Notice of Opportunity to
8 Defend and Opportunity for Hearing, with documentation of service;
- 9 2. Application for Adjudicative Hearing;
- 10 3. Request to OAH for Assignment of Administrative Law Judge;
- 11 4. Notice of Prehearing Conference dated July 19, 2007, with documentation of service;
- 12 5. Prehearing Conference Order and Notice of Hearing dated August 17, 2007, with
13 documentation of service;
- 14 6. Order of Dismissal dated September 27, 2007, 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:

20 A. IT IS HEREBY ORDERED, That:

21 Respondent Sabastian Ryan Brown's application for a loan originator license is denied.

22 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
23 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
24

1 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
2 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
3 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
4 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
5 Reconsideration a prerequisite for seeking judicial review in this matter.

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

9
10 C. Stay of Order. The Director's designee has determined not to consider a Petition
11 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
12 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.


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

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

19
20 DATED this 8th day of November, 2007.



21 STATE OF WASHINGTON
22 DEPARTMENT OF FINANCIAL INSTITUTIONS

23 
24 DEBORAH BORTNER
25 DIRECTOR
DIVISION OF CONSUMER SERVICES

1
2
3
4
5
6
7
8
9

**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:

SABASTIAN RYAN BROWN,

Respondent.

NO. C-07-150-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 Sabastian Ryan Brown (Respondent Brown) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Diamond Mortgage Group Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 29, 2006.

1.2 Prior Criminal Acts. On July 24, 2001, Respondent Brown was convicted in Puyallup Municipal Court of violating RCW 9A.56.050, Theft Third Degree, a Gross Misdemeanor pursuant to RCW 9A.56.050(2).

II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement of No Prior Convictions. Based on the Factual Allegations set forth in Section I above, Respondent Brown fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by

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

1 having been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony within
2 seven years of the filing of the present application.

3 **III. AUTHORITY TO IMPOSE SANCTIONS**

4 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
5 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
6 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
7 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
8 of the denial.

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

10 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
11 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
12 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

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


14 **4.1** Respondent Sabastian Ryan Brown's application for a loan originator license be denied.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

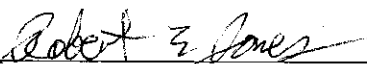
V. AUTHORITY AND PROCEDURE

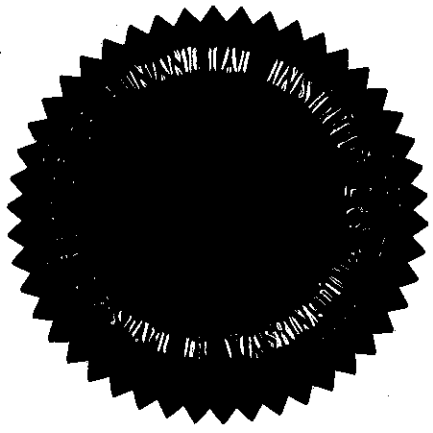
This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative 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 11 day of June, 2007.

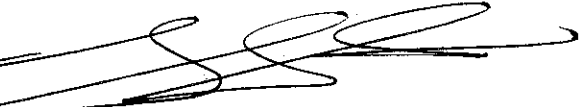

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


ROBERT E. JONES
Financial Legal Examiner



Approved by:


FATIMA BATIE
Financial Legal Examiner Supervisor