

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

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

7 MARK JOSEPH JAFFRAY,

8 Respondent.

NO. C-07-260-07-FO01

FINAL ORDER

9 I. DIRECTOR'S CONSIDERATION

10 A. Procedural History. This matter has come before the Director of the  
11 Department of Financial Institutions of the State of Washington (Director) pursuant to RCW  
12 34.05.464. On July 18, 2007, the Director, through his designee, Consumer Services Division Director  
13 Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny  
14 License Application (Statement of Charges). A copy of the Statement of Charges is attached and  
15 incorporated into this order by this reference. The Statement of Charges was accompanied by a cover  
16 letter dated July 19, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank  
17 Applications for Adjudicative Hearing. The Department served the Statement of Charges, cover letter,  
18 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for  
19 Adjudicative Hearing on Respondent on July 20, 2007 by Federal Express overnight delivery.

20 On July 26, 2007, Respondent filed an Application for Adjudicative Hearing. On July 30,  
21 2007, the Department made a request to the Office of Administrative Hearings (OAH) to assign an  
22 Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. On  
23 August 9, 2007, OAH issued a Notice of Assignment of Administrative Law Judge assigning ALJ  
24 Michael W. Furtado (ALJ Furtado) to preside over prehearing and hearing proceedings and issue an

1 Initial Decision. On August 21, 2007, ALJ Furtado issued a Notice of Pre-Hearing Conference  
2 scheduling a prehearing conference on Monday, September 10, 2007 at 9:00 a.m.

3 On September 10, 2007, all parties attended a telephonic prehearing conference. During the  
4 prehearing conference, Respondent withdrew his request for an appeal. On September 11, 2007, ALJ  
5 Furtado issued and mailed to all parties an Order of Dismissal.

6 B. Record Presented. The record presented to the Director for review and for entry of a  
7 final decision included the following:  
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- 9 1. Statement of Charges, cover letter, and Notice of Opportunity to Defend and  
10 Opportunity for Hearing, with documentation of service;
- 11 2. Applications for Adjudicative Hearing for July 26, 2007;
- 12 3. Request to OAH for Assignment of Administrative Law Judge;
- 13 4. Notice of Assignment of Administrative Law Judge dated August 9, 2007, with  
14 documentation of service;
- 15 5. Notice of Pre-Hearing Conference dated August 21, 2007, with documentation of  
16 service;
- 17 6. Order of Dismissal dated September 11, 2007

18 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director's  
19 designee hereby adopts the Statement of Charges which is attached hereto.

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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 Jaffray's application for a license to conduct the business of a loan originator is denied.

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

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

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

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

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

4 DATED this 13<sup>th</sup> day of November, 2007.



6 STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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8 DEBORAH BORTNER  
9 Director  
10 Division of Consumer Services  
11 Department of Financial Institutions

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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:

MARK JOSEPH JAFFRAY,  
  
Respondent.

NO. C-07-260-07-SC01

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

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**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)<sup>1</sup>. 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:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent.** Respondent Mark Joseph Jaffray (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington, Division of Consumer Services (Department) for a loan originator license under Abacus Mortgage Inc, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 22, 2006

**1.2 Prior Criminal Acts.** On or about June 29, 2001, Respondent was convicted under King County Superior Court Cause No. 01-1-001137-1 of Possession of Depiction of a Minor Engaged in Sexually Explicit Conduct, a felony, pursuant to RCW 9.68A.070.

<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 **1.3** On or about June 21, 2002, Respondent was convicted under King County Superior Court Cause No.  
2 02-1-02519-2 of Unlawful Possession of Firearms Second Degree, a felony, pursuant to RCW 9.41.040.

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

4 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,  
5 Respondent fails to meet the requirements of RCW 19.146.310(1)(d) and (g) and WAC 208-660-350(2)(a) and  
6 (c) by having been convicted of a felony within seven years of the filing of the present application.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

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

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

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

18 **4.1** Respondent Jaffray's application for a loan originator license be denied.

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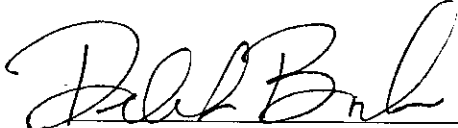
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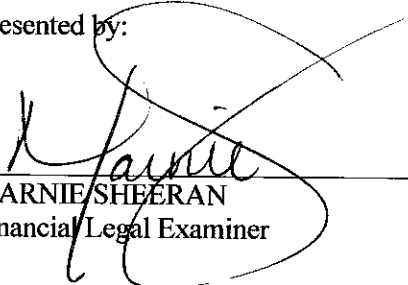
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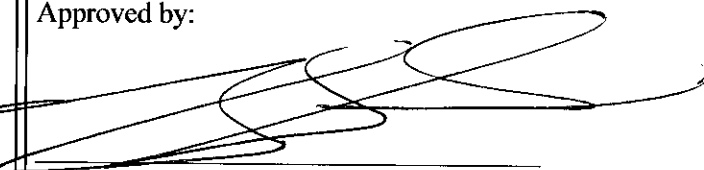
**V. AUTHORITY AND PROCEDURE**

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 18<sup>th</sup> day of July, 2007.

  
DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:  
  
MARNIE SHEERAN  
Financial Legal Examiner

Approved by:  
  
FATIMA BATIE  
Financial Legal Examiner Supervisor

