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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:

ROBERT MICHAEL SOUZA,  
Respondent.

NO. C-07-311-08-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 August 13, 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 August 13, 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 August 13, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on August 14, 2007 by first class mail and Federal Express overnight delivery.

On August 31, 2007, Respondent filed an Application for Adjudicative Hearing. On September 12, 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

1 Charges. On October 12, 2007, OAH issued a Notice of Assignment of Administrative Law Judge  
2 assigning ALJ Carolyn L. Pinkett (ALJ Pinkett) to preside over prehearing and hearing proceedings  
3 and issue an Initial Decision. On October 12, 2007, ALJ Barbara Boivin (ALJ Boivin) issued a Notice  
4 of Prehearing Conference scheduling a prehearing conference on October 30, 2007 at 8:30 a.m. That  
5 Order contained the following instruction to the parties: **“You must provide the Office of**  
6 **Administrative Hearings with a telephone number where you can be reached at the hearing**  
7 **time.”** That Order also noted “If you fail to appear or participate in the prehearing conference, hearing,  
8 or any other scheduled stage of these proceedings, you may lose your right to a hearing as described in  
9 RCW 34.05.440.” On November 6, 2007, ALJ Boivin issued an Order of Continuance of Prehearing  
10 Conference continuing the conference until November 27, 2007 at 8:15 a.m.  
11

12 On November 27, 2007, the prehearing conference was convened by ALJ Boivin at 8:15 a.m.  
13 Respondent failed to appear and ALJ Boivin was unable to contact Respondent at the last telephone  
14 number provided by Respondent. The Department moved for an order of default based on  
15 Respondent’s failure to appear. On December 11, 2007, ALJ Boivin issued an Initial Decision and  
16 Order of Dismissal (Initial Decision and Order of Dismissal) dismissing the proceedings. On  
17 December 11, 2007, ALJ Boivin sent the Initial Decision and Notice of Dismissal to the address in  
18 Respondent’s Applications for Adjudicative Hearing.  
19

20 Pursuant to RCW 34.05.440(3), Respondent had seven (7) days from the date of service of the  
21 Initial Decision and Order of Dismissal to file a written motion with OAH requesting that the Initial  
22 Decision and Order of Dismissal be vacated, and stating the grounds relied upon. Respondent did not  
23 make a request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-  
24 211, Respondent had twenty (20) days from the date of service of the Initial Decision and Order of  
25

1 Dismissal to file a Petition for Review of the Initial Decision and Order of Dismissal with the Director.

2 Respondent did not file a Petition for Review during the statutory period.

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

- 5 1. Statement of Charges, cover letter dated August 13, 2007, and Notice of Opportunity  
6 to Defend and Opportunity for Hearing, with documentation of service;
- 7 2. Application for Adjudicative Hearing;
- 8 3. Request to OAH for Assignment of Administrative Law Judge;
- 9 4. Notice of Assignment of Administrative Law Judge dated October 12, 2007, with  
10 documentation of service;
- 11 5. Notice of Prehearing Conference dated October 12, 2007, with documentation of  
12 service;
- 13 6. Notice of Continuance of Prehearing Conference dated November 6, 2007;
- 14 7. Initial Decision and Order of Dismissal dated December 11, 2007, with  
15 documentation of service.

16 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the  
17 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

## 18 II. FINAL ORDER

19 Based upon the foregoing, and the Director's designee having considered the record and  
20 being otherwise fully advised, NOW, THEREFORE:

21 A. IT IS HEREBY ORDERED, That:

- 22 1. Respondent Robert Michael Souza's application for a loan originator license is  
23 denied; and
- 24 2. Respondent Robert Michael Souza is banned from participation in the conduct of the  
25 affairs of any mortgage broker subject to licensure by the Director, in any manner,  
through December 29, 2013.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
2  
3 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
4 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
5 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
6 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
7 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
8 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

18 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
19 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
20 attached hereto.  
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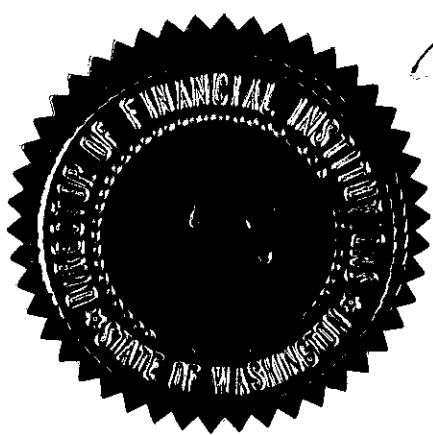
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1 DATED this 3<sup>rd</sup> day of March, 2008.

2 STATE OF WASHINGTON  
3 DEPARTMENT OF FINANCIAL INSTITUTIONS



4 *Deborah Bortner*  
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6 DEBORAH BORTNER  
7 DIRECTOR  
8 DIVISION OF CONSUMER SERVICES  
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FINAL ORDER -  
ROBERT MICHAEL SOUZA  
C-07-311-08-FO01

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  
DIVISION OF CONSUMER SERVICES**

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

**ROBERT MICHAEL SOUZA,**  
  
Respondent.

NO. C-07-311-07-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO DENY LICENSE APPLICATION  
AND PROHIBIT FROM INDUSTRY

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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 Robert Michael Souza (Respondent Souza)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Evergreen Pacific Services, 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 Responses to Application Questions.** The "Individual Information" section of the loan originator license application requires applicants to provide their Social Security Numbers. Respondent Souza entered the following number: [REDACTED]. On the required Form MU4, Uniform Individual Mortgage License/Registration & Consent Form, Respondent Souza entered his Social Security Number as: [REDACTED]. As part of its investigation into the application, the Department submitted Respondent Souza's fingerprints to

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

1 the United States Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services  
2 Division. The response indicated that Respondent Souza's Social Security Number is actually [REDACTED].  
3 Respondent Souza was obligated by statute to answer questions on the loan originator license application  
4 truthfully.

5 **1.3 Prior Criminal History.** Respondent Souza plead guilty to Possession of a Dangerous Weapon, in  
6 violation of RCW 9.41.250, on January 20, 2004.

## 7 II. GROUNDS FOR ENTRY OF ORDER

8 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent  
9 Souza is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making  
10 any false statement or willfully making any omission of material fact in connection with any application or any  
11 information filed by a licensee in connection with any application, examination or investigation conducted by  
12 the Department.

13 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set  
14 forth in Section I above, Respondent Souza fails to meet the requirements of RCW 19.146.300(1) and (2) and  
15 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form  
16 prescribed by the Director.

17 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set  
18 forth in Section I above, Respondent Souza fails to meet the requirements of RCW 19.146.310(1)(g) and WAC  
19 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of  
20 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes  
21 of the Act.

## 22 III. AUTHORITY TO IMPOSE SANCTIONS

23 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the  
24 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the  
25 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by

1 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application  
2 of the denial.

3 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue  
4 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed  
5 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker  
6 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

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

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

12 **4.1** Respondent Robert Michael Souza's application for a loan originator license be denied.

13 **4.2** Respondent Robert Michael Souza be prohibited from participation in the conduct of the affairs of any  
14 mortgage broker subject to licensure by the Director, in any manner, through December 29, 2013.




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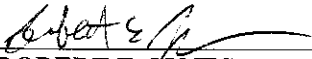
**V. AUTHORITY AND PROCEDURE**

This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (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 13<sup>th</sup> day of August, 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

