

Terms Completed

ORDER SUMMARY – Case Number: C-07-334

Name(s): Brian Scott Mix

Order Number: C-07-334-07-CO01

Effective Date: January 10, 2008

License Number: DFI 34537 [NMLS: 111175]

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

License Effect: Denial
If applicable, you must specifically note the ending dates of terms.

Not Apply Until: February 10, 2008

Not Eligible Until: _____

Prohibition/Ban Until: February 10, 2008

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| Investigation Costs | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
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| Fine | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
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| Assessment(s) | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
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| Restitution | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
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| Judgment | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
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| Satisfaction of Judgment Filed? | | <input type="checkbox"/> Y <input type="checkbox"/> N | | |
| No. of Victims: | | | | |

Comments: _____

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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:**

BRIAN SCOTT MIX,
Respondent.

NO. C-07-334-07-CO01

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Brian Scott Mix (hereinafter Respondent), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-334-07-SC01 (Statement of Charges), entered September 7, 2007, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Laurel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8783

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and that he has waived his right to a hearing and any and all administrative and
3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent
4 agrees to withdraw his appeal and to inform the Office of Administrative Hearings in writing of his withdrawal.

5 **C. License Application Denial.** It is AGREED that Respondent's application for a loan originator
6 license is denied. It is further AGREED that Respondent shall not apply to the Department for any license under
7 any name for a period of thirty (30) days from the date of entry of this Consent Order. It is further AGREED that,
8 should Respondent apply to the Department for any license under any name at any time thereafter, Respondent
9 shall be required to meet any and all application requirements in effect at that time.

10 **D. Prohibition from Industry.** It is AGREED that Respondent is prohibited from participating in the
11 conduct of the affairs of any mortgage broker licensed by the Department for thirty (30) days from the date of
12 entry of this Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active
13 or passive or (2) as an officer, director, principal, designated broker, employee, or loan originator or (3) any
14 management, control, oversight or maintenance of any trust account(s) in any way related to any residential
15 mortgage transaction or (4) receiving, disbursing, managing or controlling in any way, consumer trust funds in any
16 way related to any residential mortgage transaction.

17 **E. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
18 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
19 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
20 pursuing such action, including but not limited to, attorney fees.

21 **F. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
22 this Consent Order, which is effective when signed by the Director's designee.
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CONSENT ORDER

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Isaac Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 982-8703

1 G. Completely Read, Understood, and Agreed. It is AGREED that Respondent has read this Consent
2 Order in its entirety and fully understand and agree to all of the same.

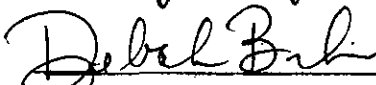
3 RESPONDENT:


4 
5 BRIAN SCOTT MIX


11/7/08
Date

6 DO NOT WRITE BELOW THIS LINE

7 THIS ORDER ENTERED THIS 10th DAY OF January, 2008.

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

12 Presented by: 
13
14 MARK T. OLSON
15 Financial Examiner

16 Approved by:
17
18 
19 JAMES R. BRUSSELBACK
20 Enforcement Chief



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25 CONSENT ORDER

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:

BRIAN SCOTT MIX,

Respondent.

NO. C-07-334-07-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 Brian Scott Mix (Respondent Mix) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Premier Lending Group LLC, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 12, 2006.

1.2 Prior Criminal Acts. On April 24, 2003, Respondent Mix was charged in the Superior Court of Washington for King County in cause number 03-1-04065-3 with possession of cocaine, a class C felony pursuant to RCW 69.50.401(d). On July 15, 2003, Respondent Mix entered a plea of guilty to, and was convicted of, attempted possession of cocaine, as amended, a gross misdemeanor pursuant to RCW 69.50.401(d) and RCW 9A.28.020.

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 license
2 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 Mix answered “no” to the following question on the “Criminal Disclosure” section of his loan
5 originator license application:

- 6 • 2-Have you ever been charged with a felony?

7 Respondent Mix was obligated by statute to answer questions on the loan originator license application
8 truthfully and to provide the Department with complete details of all events or proceedings.

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

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

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

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

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III. AUTHORITY TO IMPOSE SANCTIONS

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

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

IV. NOTICE OF INTENTION TO ENTER ORDER

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

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

4.1 Respondent Brian Scott Mix's application for a loan originator license be denied.


4.2 Respondent Brian Scott Mix be prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, through December 12, 2011.

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1 **V. AUTHORITY AND PROCEDURE**

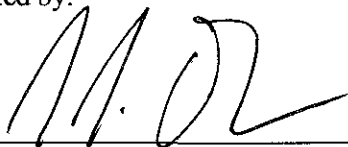
2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and
3 Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
4 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter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

8 Dated this 17th day of September, 2007.

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11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

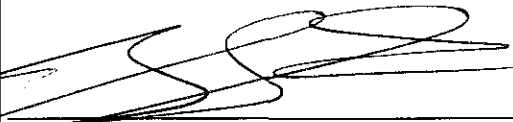
13 Presented by:

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15 MARK T. OLSON
16 Financial Examiner



17 Approved by:

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19 FATIMA BATIE
20 Financial Legal Examiner Supervisor