

## Terms Completed

### ORDER SUMMARY – Case Number: C-07-341

**Name(s):** James C. Joyner  
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**Order Number:** C-07-341-08-FO01  
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**Effective Date:** January 22, 2008  
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**License Number:** NMLS: 676897  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
 If applicable, you must specifically note the ending dates of terms.

**License Effect:** Denial  
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**Not Apply Until:** \_\_\_\_\_  
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**Not Eligible Until:** \_\_\_\_\_  
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**Prohibition/Ban Until:** December 28, 2011  
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<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<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:

JAMES CHARLES JOYNER,  
Respondent.

NO. C-07-341-08-FO01

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 November 21, 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 November 21, 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, Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing on Respondent on November 21, 2007 by Federal Express overnight delivery. On November 30, 2007, the documents sent via Federal Express overnight delivery were delivered.

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



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

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

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

10 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
11 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
12 attached hereto.  
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14 DATED this 22<sup>nd</sup> day of January, 2008.

15 STATE OF WASHINGTON  
16 DEPARTMENT OF FINANCIAL INSTITUTIONS

17   
18 DEBORAH BORTNER  
19 DIRECTOR  
20 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:

JAMES CHARLES JOYNER,  
  
Respondent.

NO. C-07-341-07-SC01

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

9 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the  
10 State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker  
11 Practices Act (Act)<sup>1</sup>. After having conducted an investigation pursuant to RCW 19.146.310, and based upon the  
12 facts available as of the date of this Statement of Charges and Notice of Intention to Enter an Order to Deny License  
13 Application, the Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes  
14 this proceeding and finds as follows:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent.** Respondent James Charles Joyner (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 Custom Mortgage Solutions, a mortgage broker licensed under the Act. The  
on-line application was received by the Department on or about December 28, 2006

**1.2 Prior Criminal Acts.** On or about September 5, 1990, Respondent was charged under California State,  
Contra Costa County Court Cause No. 901780-7 with two counts of Oral Copulation by Threat and in Concert,  
and one count of Sodomy, felonies pursuant to California Penal Code Section 288a(d) and Section 286(c). On  
or about December 10, 1990, the charges were amended to include an additional charge of Kidnapping,  
a felony pursuant to California Penal Code Section 207(a). On or about December 10, 1990,

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<sup>1</sup> RCW 19.146 (2007)

1 Respondent was convicted of the Kidnapping charge. The remaining charges were dismissed as part  
2 of the plea agreement.

3 1.3 On or about November 23, 1998, Respondent was convicted under Washington State, King  
4 County District Court Cause No. CQ23397SH with Violation of a Protection Order, a gross  
5 misdemeanor pursuant to RCW 26.50.110.  
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10 1.5 On or about May 18, 1999, Respondent was convicted under California State, Municipal Court  
11 of Inglewood, County of Los Angeles Cause No. 91W03875 with Infliction of Corporal Injury on a  
12 Spouse, a misdemeanor pursuant to California Penal Code Section 273.5(a).

13 1.6 On or about February 15, 2000, Respondent was convicted under Washington State, South  
14 District Court Snohomish County Cause No. 98D005162 with Harassment, a gross misdemeanor  
15 pursuant to RCW 9A.46.020.

16 1.7 On or about March 27, 2000, Respondent was convicted under Washington State, Lynnwood  
17 Municipal Court Cause No. 99-000016 with Malicious Mischief Third Degree-Domestic Violence, a  
18 gross misdemeanor pursuant to RCW 9A.48.090.

19 1.8 On or about March 3, 2003, Respondent was charged under Washington State, City of  
20 Anacortes Municipal Court Cause No. AC0006777 with Furnishing Liquor to Persons Under the Age  
21 of 21, pursuant to Anacortes Municipal Code 9.32.040. On or about February 24, 2005, this charge  
22 was resolved by way of a \$300 bail forfeiture.  
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1 **1.9 Failure to Disclose in Application for Licensure.** The "Criminal Disclosure" section of the loan  
2 originator 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 answered "no" to the following questions on the "Criminal Disclosure" section of his loan  
5 originator license application:

- 6 • 1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a  
7 domestic, foreign, or military court to any felony?
- 8 • 2-Have you ever been charged with a felony?
- 9 • 5-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a  
10 domestic, foreign, or military court to misdemeanor involving: financial services or a financial  
11 services-related business or any fraud, false statements or omissions, theft or any wrongful  
12 taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to  
13 commit any of these offenses?
- 14 • 6-Have you ever been charged with a misdemeanor specified in question no. 5?

15 Respondent was obligated by statute to answer questions on the loan originator license application truthfully  
16 and to provide the Department with complete details of all events or proceedings. Respondent failed to do so.

## 17 **II. GROUNDS FOR ENTRY OF ORDER**

18 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent is in  
19 apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making any false  
20 statement or willfully making any omission of material fact in connection with any application or any  
21 information filed by a licensee in connection with any application, examination or investigation conducted by  
22 the Department.

23 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set  
24 forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.300(1) and (2) and RCW  
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1 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form prescribed by  
2 the Director.

3 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set  
4 forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(g) and WAC 208-  
5 660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of the  
6 community and to warrant a belief that the business will be operated honestly and fairly within the purposes of  
7 the Act.

8 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

14 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue  
15 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed  
16 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker  
17 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

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

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

6 **4.1** Respondent James Charles Joyner's application for a loan originator license be denied.

7 **4.2** Respondent James Charles Joyner be prohibited from participation in the conduct of the affairs of any  
8 mortgage broker subject to licensure by the Director, in any manner, through December 28, 2011.

9 **V. AUTHORITY AND PROCEDURE**

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

16 Dated this 21<sup>st</sup> day of November, 2007.



17 DEBORAH BORTNER  
18 Director  
19 Division of Consumer Services  
20 Department of Financial Institutions

21 Presented by:



22 MARNIE SHEERAN  
23 Financial Legal Examiner

24 Approved by:



25 FATIMA BATIE  
Financial Legal Examiner Supervisor

