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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:

NO. C-07-345-08-FO01

ROSWITHA MARTHA MCKINNEY, AKA
ROSWITHA MARTHA ROGERS, AKA
ROSWITHA MARTHA CROCKETT, AKA
ROSWITHA MARTHA NOEL, AKA
ROSWITHA MARTHA NOIEL, AKA
ROSWITHA MARTHA WASHINGTON, AKA
ROSE MARTHA MCKINNEY,
AKA ROSWITHA M. BOLTON,

FINAL ORDER

Respondent.

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 19, 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 20, 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 November 20, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
Application for Adjudicative Hearing on Respondent on November 20, 2007, by first class mail and
Federal Express overnight delivery. On November 26, 2007, the documents sent via Federal Express

1 overnight delivery were delivered. The documents sent via first class mail were not returned to the
2 Department by the United States Postal Service.

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

6 B. Record Presented. The record presented to the Director's designee for her review and
7 for entry of a final decision included the Statement of Charges, cover letter dated November 20, 2007,
8 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative
9 Hearing, with documentation of service.

10 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
11 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

12 II. FINAL ORDER

13
14 Based upon the foregoing, and the Director's designee having considered the record and
15 being otherwise fully advised, NOW, THEREFORE:

16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondent Roswitha Martha McKinney's application for a loan originator license is
18 denied; and
19 2. Respondent Roswitha Martha McKinney is banned from participation in the conduct
20 of the affairs of any mortgage broker subject to licensure by the Director, in any
21 manner, through May 17, 2014.

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 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
25 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,

1 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
2 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
3 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

17 DATED this 11th day of January, 2008.



18 STATE OF WASHINGTON
19 DEPARTMENT OF FINANCIAL INSTITUTIONS

20 
21 DEBORAH BORTNER
22 DIRECTOR
23 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:

NO. C-07-345-07-SC01

ROSWITHA MARTHA MCKINNEY, AKA
ROSWITHA MARTHA ROGERS, AKA
ROSWITHA MARTHA CROCKETT, AKA
ROSWITHA MARTHA NOEL, AKA
ROSWITHA MARTHA NOIEL, AKA
ROSWITHA MARTHA WASHINTON, AKA
ROSE MARTHA MCKINNEY, AKA
ROSWITHA M. BOLTON,

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

Respondent.

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 Roswitha Martha McKinney (Respondent McKinney) 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 May 17, 2007.

1.2 Prior Criminal Acts. On October 24, 2005, in the Superior Court of Washington for Pierce County, Cause No. 05-1-03803-1, Respondent McKinney was charged with Theft in the First Degree, a felony, pursuant

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

1 to RCW 9A.56.020(1)(b) and RCW 9A.56.030(1)(a). On December 19, 2005, in the Superior Court of
2 Washington for Pierce County, Cause No. 05-1-03803-1, Respondent McKinney pleaded guilty to Theft in the
3 First Degree, a felony, pursuant to RCW 9A.56.020(1)(b) and RCW 9A.56.030(1)(a).

4 On April 9, 2007, in the Superior Court of Washington for Pierce County, Cause No. 07-1-01899-1,
5 Respondent McKinney was charged with Unlawful Issuance of Checks or Drafts, a felony, pursuant to RCW
6 9A.56.060(1) and 9A.56.060(4). On October 22, 2007, in the Superior Court of Washington for Pierce
7 County, Cause No. 07-1-01899-1, Respondent McKinney was found guilty of Unlawful Issuance of Checks
8 and Drafts, a felony, pursuant to RCW 9A.56.060(1) and RCW 9A.56.060(4).

9 On or about June 7, 2007, in the Superior Court of Washington for King County, Cause No. 07-1-
10 09566-3 KNT, Respondent McKinney was charged with Unlawful Issuance of Checks or Drafts, a felony,
11 pursuant to RCW 9A.56.060(1)(4). According to court documents received by the Department, this case is
12 still pending, in the Superior Court of Washington for King County.

13
14 **1.3 Responses to Application Questions.** The “Criminal Disclosure” section of the loan originator license
15 application consists of eight questions, and includes the following instruction:

16 “If the answer to any of the following is “YES”, provide complete details of all events or proceedings”

17 Respondent McKinney answered “NO” to the following question on the “Criminal Disclosure” section of her
18 loan originator license application:

- 19 • 1 – Have you ever been convicted of or plead guilty or nolo contendere (“no contest”) in a
20 domestic, foreign, or military court to any felony? If Yes, when and where?

21 Additionally, Respondent McKinney answered “YES” to the following questions on the “Criminal Disclosure”
22 section of her loan originator license application:

- 23 • 2 – Have you ever been charged with a felony?

24 Respondent McKinney listed the date of “1990” in the answer box directly below question number two (2);
25 however, she failed to provide complete details of all events or proceedings.

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

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

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

9 **2.2 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent
10 McKinney is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently
11 making any false statement or willfully making any omission of material fact in connection with any application
12 or any information filed by a licensee in connection with any application, examination or investigation
13 conducted by the Department.

14 **2.3 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
15 forth in Section I above, Respondent McKinney fails to meet the requirements of RCW 19.146.300(1) and (2)
16 and RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
17 prescribed by the Director.

18 **2.4 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
19 forth in Section I above, Respondent McKinney fails to meet the requirements of RCW 19.146.310(1)(g) and
20 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the
21 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
22 within the purposes of the Act.

23 //

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1 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

7 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
8 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
9 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
10 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

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

16 **4.1** Respondent Roswitha Martha McKinney's application for a loan originator license be denied.

17 **4.2** Respondent Roswitha Martha McKinney be prohibited from participation in the conduct of the affairs
18 of any mortgage broker subject to licensure by the Director, in any manner, through May 17, 2014.

19 **V. AUTHORITY AND PROCEDURE**

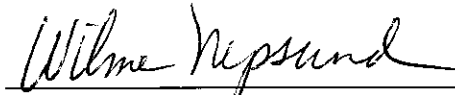
20 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and
21 Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
22 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter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

1 Dated this 19th day of November, 2007.

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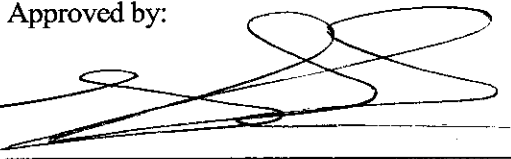
4 DEBORAH BORTNER
5 Director
6 Division of Consumer Services
7 Department of Financial Institutions

8 Presented by:

9 

10 WILMA NEPSUND
11 Financial Examiner

12 Approved by:

13 

14 FATIMA BATIE
15 Financial Legal Examiner Supervisor



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