



State of Washington

**DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

BRIEF ADJUDICATIVE PROCEEDING

IN THE MATTER OF INVESTIGATING the
Loan Originator License Application under the
Washington Mortgage Broker Practices Act (Ch.
19.146 RCW) by:

CLIFTON EDWARD SHOEMAKER,

Respondent.

No. C-07-394-07-SC01

DCS – BAP – 2007-001 JMV

FINAL DECISION AND ORDER

THIS MATTER having come before Scott Jarvis, Director for the Department of Financial Institutions (“Department”), sitting in his capacity as Presiding Officer (“Presiding Officer”) in relation to review of the Initial Decision and Order, which denied a Loan Originator License under the Washington Mortgage Broker Practices Act, Chapter 19.146 RCW (“Act”), upon application by CLIFTON EDWARD SHOEMAKER, the Respondent (“Respondent”);

NOW THEREFORE, the Presiding Officer issues the following Final Decision and Order:

1.0 CONSIDERATION

1.1 The Presiding Officer has reviewed the record on review, including the Initial decision and Order under the Brief Adjudicative Proceeding, which was issued on December 11, 2007.

1.2 Respondent did not submit a Petition for Review of the Initial Decision and Order.

1.3 More than twenty (20) days has expired since issuance of an Initial Decision and Order. It appears from the Certificate of Service that Respondent was duly served as of December 11, 2007.

1.4 The Presiding Officer agrees with and concurs in the Findings of Fact and Conclusions of Law made in the Initial Decision and Order in the Brief Adjudicative Proceeding below. All of these Findings of Fact and Conclusions of Law are hereby adopted as if fully set forth herein.

2.0 FINAL DECISION AND ORDER

For all of the reasons set forth above, IT IS HEREBY ORDERED THAT:

Respondent Clifton Edward Shoemaker's application for a loan originator license with the Washington State Department of Financial Institutions is denied.

Dated and mailed on January 30th, 2008, at Tumwater, Washington.



Scott Jarvis, Director
WASHINGTON STATE DEPARTMENT OF
FINANCIAL INSTITUTIONS
P.O. Box 41200
Olympia, Washington 98504-1200

FURTHER APPEAL RIGHTS

Address for filing the Petition for Review:

Scott Jarvis, Director
Washington State Department of Financial Institutions
P.O. Box 41200
Olympia, Washington 98504-1200

In accordance with RCW 34.05.470 and WAC 10-08-215, any *Petition for Reconsideration* of such *Final Decision and Order* must be filed with the Director within ten (10) days of the service of the *Final Decision and Order*. **NOTE: *Petitions for Reconsideration* do not stay the effectiveness of the *Final Decision and Order*.**

Judicial Review of this *Final Decision and Order* is available to a party according to the provisions set out in the Washington Administrative Procedures Act, at RCW 34.05.570.

1
2
3
4
5
6
7

**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:

CLIFTON EDWARD SHOEMAKER,

Respondent.

NO. C-07-394-07-SC01

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

8
9

INTRODUCTION

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

15
16

I. FACTUAL ALLEGATIONS

17 **1.1 Respondent Clifton Edward Shoemaker (Respondent Shoemaker)** submitted an application to the
18 Department of Financial Institutions of the State of Washington (Department) for a loan originator license under
19 Capitol Investment Group Inc., a mortgage broker licensed under the Act. The on-line application was received
20 by the Department on or about June 5, 2007.

21 **1.2 Prior Criminal Acts.** On May 3, 2007, the Respondent was convicted of Section 23153(a) of the
22 Vehicle Code of the State of California, Felony Driving Under the Influence, in the Superior Court of California
23 in the County of Sacramento (Case No. 07F01605).

24 //

25 //

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

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

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

5
6 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

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

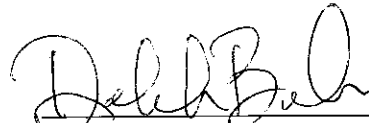
13 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
14 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
15 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223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

17 **4.1** Respondent Clifton Edward Shoemaker's application for a loan originator license be denied.

18 **V. AUTHORITY AND PROCEDURE**

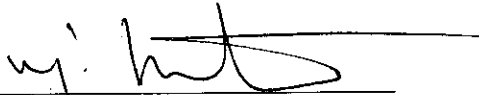
19 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
20 (Statement of Charges) is issued pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
21 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative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

1 Dated this 10th day of October 2007.

2
3 

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

8 Presented by:

9 

10 WILLIAM J. HALSTEAD
11 Financial Legal Examiner

12 Approved by:

13 

14 FATIMA BATIE
15 Financial Legal Examiner Supervisor

