

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

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the Statement of Charges, cover letter dated
6 December 19 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application
7 for Adjudicative Hearing, with documentation of service.

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

11 II. FINAL ORDER

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

14 A. IT IS HEREBY ORDERED, That:

15 Respondent Charles David's application for a loan originator license is denied; and

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

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 30th day of April, 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:

CHARLES DAVID,

Respondent.

NO. C-07-510-07-SC01

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

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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)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:

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I. FACTUAL ALLEGATIONS

1.1 Charles David (Respondent David) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Abacus Mortgage Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about February 26, 2007.

1.2 Prior Criminal Acts. On or about November 14, 2007, Respondent David was convicted of Child Molestation in the First Degree, a felony, pursuant to RCW 9A.44.083, in the King County Superior Court in and for the State of Washington (Cause No. 07-1-03717-5 KNT). Respondent David is scheduled to be sentenced in December 2007.

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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 David fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by
4 having been convicted of a felony within seven years of the filing of the present application.

5 **2.2 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
6 forth in Section I above, Respondent David fails to meet the requirements of RCW 19.146.310(1)(g) and WAC
7 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of
8 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes
9 of the Act.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

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

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

21 **4.1** Respondent Charles David's application for a loan originator license be denied.

22 **V. AUTHORITY AND PROCEDURE**

23 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
24 (Statement of Charges) is issued pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
25 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative

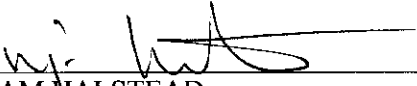
1 Procedure Act). Respondent may make a written request for a Brief Adjudicative Proceeding as set forth in the
2 NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE
3 PROCEEDING accompanying this Statement of Charges.

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5 Dated this 18th day of December 2007.

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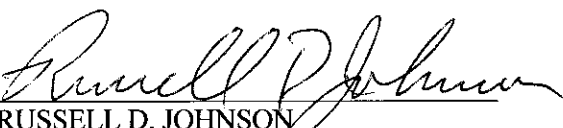
8 DEBORAH BORTNER
9 Director
10 Division of Consumer Services
11 Department of Financial Institutions

12 Presented by:

13 
14 WILLIAM HALSTEAD
15 Financial Legal Examiner



16 Approved by:

17 
18 RUSSELL D. JOHNSON
19 Financial Legal Examiner Supervisor