

1 STATE OF WASHINGTON
2 DEPARTMENT OF FINANCIAL INSTITUTIONS
3 DIVISION OF CONSUMER SERVICES

4 IN THE MATTER OF INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

NO. C-07-512-08-FO01

5 DOUGLAS DODD, AKA
6 CLIFTON DODD; AKA EZELL DODD; AKA
PETER DODD; AKA PETER SALDER.

FINAL ORDER

Respondent.

7
8 I. DIRECTOR'S CONSIDERATION

9 A. Default. This matter has come before the Director of the Department of
10 Financial Institutions of the State of Washington (Director), through his designee, Consumer
11 Services Division Director, Deborah Bortner, pursuant to RCW 34.05.440(1). On December 18,
12 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a
13 Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and
14 Prohibit from Industry (Statement of Charges). A copy of the Statement of Charges is attached and
15 incorporated into this order by this reference. The Statement of Charges was accompanied by a
16 cover letter dated December 19, 2007, a Notice of Opportunity to Defend and Opportunity for
17 Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement
18 of Charges, cover letter dated December 19, 2007, Notice of Opportunity to Defend and
19 Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on
20 December 19, 2007 by first class mail and Federal Express overnight delivery. The documents
21 served via Federal Express overnight delivery were returned to the Department on December 20,
22 2007. The documents served by first class mail were returned to the Department on January 7,
23 2008. The Department re-served the Statement of Charges, cover letter dated December 19, 2007,
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1 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
2 Adjudicative Hearing on Respondent on January 7, 2008 by Federal Express overnight delivery.
3 On January 9, 2008, the documents sent via Federal Express overnight delivery were delivered.

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

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

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

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14 II. FINAL ORDER

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

17 A. IT IS HEREBY ORDERED, That:

- 18 1. Respondent Douglas Dodd's application for a loan originator license is denied; and
19 2. Respondent Douglas Dodd is banned from participation in the conduct of the affairs
20 of any mortgage broker subject to licensure by the Director, in any manner, through
21 January 30, 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

1 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
2 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
3 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
4 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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


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

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

18 DATED this 5th day of February, 2008.



20 STATE OF WASHINGTON
21 DEPARTMENT OF FINANCIAL INSTITUTIONS

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23 DEBORAH BORTNER
24 DIRECTOR
25 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:

DOUGLAS DODD, AKA
CLIFTON DODD; AKA EZELL DODD; AKA
PETER DODD; AKA PETER SALDER

Respondent.

NO. C-07-512-07-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 Douglas Dodd (Respondent Dodd) 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 January 30, 2007

1.2 Prior Criminal Acts.

A. On or about October 14, 1978, Respondent Dodd was charged in the State of California with one count of Possession of a Controlled Substance, a felony. On or about December 18, 1979, Respondent Dodd was convicted of the crime charged.

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

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B. On or about November 6, 1978, Respondent Dodd was charged in the State of California with one count of Possession of a Controlled Substance, a felony. On or about December 18, 1979, Respondent Dodd was convicted of the crime charged.

[REDACTED]

D. On or about December 21, 1983, Respondent Dodd was charged in the State of California with one count of Possession of a Controlled Substance, a felony. On or about January 28, 1984, Respondent Dodd was convicted of the crime charged.

[REDACTED]

G. On or about December 30, 1988, Respondent Dodd was charged in the State of California with one count of Corporal Infliction of Injury on Spouse or Co-Habitant, a felony. Respondent Dodd was convicted and sentenced to 24 months in jail and 30 days probation.

[REDACTED]

I. On or about November 11, 1989, Respondent Dodd was charged in the State of California with one count of Possession, manufacturing, and Selling a Dangerous Weapon, a felony. Respondent Dodd was convicted of the charge and sentenced to 24 months in jail and 4 days probation.

[REDACTED]

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[REDACTED]

[REDACTED]

L. On or about February 28, 1991, Respondent Dodd pled guilty in the Superior Court of Gwinnett County, Georgia, Criminal Action No. 90-B-1937-2, to violation of nineteen (19) counts of the Georgia Controlled substance Act, a felony pursuant to the Act. On or about February 28, 1991, Respondent Dodd was convicted of the crime charged and was sentenced to confinement of 12 years concurrent on each count.

M. On or about February 2, 1993, Respondent Dodd was convicted in the Superior Court of Gwinnett County, Georgia, Criminal Action No. 92-B-2299-2, for unlawfully selling Cocaine in violation of the Georgia Controlled substance Act, a felony pursuant to the Act, and was sentenced to life imprisonment.

[REDACTED]

[REDACTED]

O. On or about September 17, 1996, Respondent Dodd was charged in Lawrenceville, Georgia, with Aggravated Battery, a felony. Respondent Dodd was convicted of the crime charged and sentenced to 18 months in jail and 8 years and 6 months probation.

P. On or about September 17, 1996, Respondent Dodd was charged in Lawrenceville, Georgia, with False Imprisonment, a felony. Respondent Dodd was convicted of the crime charged and sentenced to 18 months in jail and 8 years and 6 months probation.

Q. On or about March 17, 1999, Respondent Dodd was charged in Lawrenceville, Georgia, with Theft by Taking. Respondent Dodd was convicted of the crime charged.

[REDACTED]

[REDACTED]

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S. On or about June 22, 2002, Respondent Dodd, using the name: Peter Dodd, was charged in Lawrenceville, Georgia, with Battery. Respondent Dodd pled no contest to the crime charged.

[REDACTED]

W. On or about January 24, 2005 the Sheriff's office in Lawrenceville, Georgia, issued a warrant for Clifton Dodd for a probation violation. An FBI fingerprint check confirmed that Respondent Dodd is the same person as Clifton Dodd. There is currently an active warrant for Respondent Dodd's arrest out of Lawrenceville, Georgia.

1.3 Responses to Application Questions. The "Criminal Disclosure" section of the loan originator license application consists of eight questions, and includes the following instruction:

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

Respondent Dodd answered "Yes" to the following question on the "Criminal Disclosure" section of his loan originator license application and stated "drugs":

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

3 Respondent Dodd answered “Yes” to the following question on the “Criminal Disclosure” section of his loan
4 originator license application and stated “yes”:

- 5 • 2-Have you ever been charged with any felony?

6 Respondent Dodd answered “NO” to the following questions on the “Criminal Disclosure” section of his loan
7 originator license application:

- 8 • 5-Have you ever been convicted of or plead guilty or nolo contendere (“no contest”) in a
9 domestic, foreign, or military court to any misdemeanor involving: financial services or a
10 financial services-related business or any fraud, false statements or omissions, theft or any
11 taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to
12 commit any of these offenses?

- 13 • 6-Have you ever been charged with a misdemeanor specified in 5?

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

16 II. GROUNDS FOR ENTRY OF ORDER

17 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,
18 Respondent Dodd fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by
19 having been convicted of a felony within seven years of the filing of the present application.

20 **2.2 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent Dodd
21 is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making any false
22 statement or willfully making any omission of material fact in connection with any application or any
23 information filed by a licensee in connection with any application, examination or investigation conducted by
24 the Department.

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

5 **2.4 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
6 forth in Section I above, Respondent Dodd 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 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
17 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
18 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
19 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

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

2 **4.1** Respondent Douglas Dodd's application for a loan originator license be denied.

3 **4.2** Respondent Douglas Dodd be prohibited from participation in the conduct of the affairs of any
4 mortgage broker subject to licensure by the Director, in any manner, through January 30, 2014.

5 **V. AUTHORITY AND PROCEDURE**

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

12 Dated this 18th day of December, 2007.

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14 DEBORAH BORTNER
15 Director
16 Division of Consumer Services
17 Department of Financial Institutions

18 Presented by:

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20 CHARLES E. WOODE
21 Financial Legal Examiner

22 Approved by:

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24 FATIMA BATIE
25 Financial Legal Examiner Supervisor

