

# TERMS COMPLETE

## FINAL ORDER SUMMARY – Case Number: C-07-514

**Name** David Lee Benson  
\_\_\_\_\_  
\_\_\_\_\_

**Order Number** C-07-514-08-FO01  
\_\_\_\_\_

**Effective Date** January 11, 2008  
\_\_\_\_\_

**License Number** DFI: 45707  
\_\_\_\_\_

**License Effect** Application denied  
\_\_\_\_\_  
\_\_\_\_\_

**Not Apply until** September 4, 2014  
\_\_\_\_\_

**Prohibition/Ban through** September 4, 2014  
\_\_\_\_\_

| <b>Investigation Costs</b> | \$ | Due | Paid |   | Date |
|----------------------------|----|-----|------|---|------|
|                            |    |     | Y    | N |      |
|                            |    |     |      |   |      |

| <b>Assessment(s)</b> | \$ | Due | Paid |   | Date |
|----------------------|----|-----|------|---|------|
|                      |    |     | Y    | N |      |
|                      |    |     |      |   |      |

| <b>Monetary Penalty</b> | \$ | Due | Paid |   | Date |
|-------------------------|----|-----|------|---|------|
|                         |    |     | Y    | N |      |
|                         |    |     |      |   |      |

**Other**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Special Instructions**  
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\_\_\_\_\_

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

4 IN THE MATTER OF DETERMINING  
5 Whether there has been a violation of the  
6 Mortgage Broker Practices Act of Washington by:

7 DAVID LEE BENSON

8 Respondent.

9 NO. C-07-514-08-FO01

10 FINAL ORDER

11 I. DIRECTOR'S CONSIDERATION

12 A. Default. This matter has come before the Director of the Department of  
13 Financial Institutions of the State of Washington (Director), through his designee, Consumer Services  
14 Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On December 6, 2007, the  
15 Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of  
16 Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from  
17 Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into  
18 this order by this reference. The Statement of Charges was accompanied by a cover letter dated  
19 December 7, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank  
20 Application for Adjudicative Hearing for David Lee Benson. The Department served the Statement of  
21 Charges, cover letter dated December 7, 2007, Notice of Opportunity to Defend and Opportunity for  
22 Hearing, and blank Application for Adjudicative Hearing for David Lee Benson on Respondent on  
23 December 7, 2007, by first class mail and by Federal Express overnight delivery. On December 10,  
24 2007, the documents sent via Federal Express overnight delivery were delivered. The documents sent  
25 via first class mail were not returned to the Department by the United States Post Office.

1 Respondent David Lee Benson did not request an adjudicative hearing within twenty calendar  
2 days after the Department served him with the Notice of Opportunity to Defend and Opportunity for  
3 Hearing, as 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 following: Statement of Charges, cover letter dated December 7,  
6 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for  
7 Adjudicative Hearing for David Lee Benson, 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.

10  
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 1. Respondent David Lee Benson's application for a license to conduct the business of a  
16 Loan Originator is denied; and  
17 2. Respondent David Lee Benson is banned from participation in the conduct of the  
18 affairs of any mortgage broker subject to licensure by the Director, in any manner,  
until September 4, 2014.

19 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
20 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
21 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
22 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
23 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
24

1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
2 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

17  
18 STATE OF WASHINGTON  
19 DEPARTMENT OF FINANCIAL INSTITUTIONS



20 [Redacted Signature]  
21 \_\_\_\_\_  
22 DEBORAH BORTNER  
23 DIRECTOR  
24 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:

DAVID LEE BENSON,

Respondent.

NO. C-07-514-07-SC01

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

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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)<sup>1</sup>. 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 David Lee Benson (Respondent Benson)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under America One Finance, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about September 4, 2007.

**1.2 Responses to Application Questions.** The "Financial Disclosure" section of the loan originator license application consists of four 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 Benson answered "no" to the following question on the "Financial Disclosure" section of his loan originator license application:

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<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

- 1 • 1-Do you have any unsatisfied judgments or liens against you?

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

4 On or about January 12, 2005, a Federal Tax Lien, serial number 208952105, in favor of the United  
5 States was placed on Respondent Benson's "property and rights to property" for the tax period ending  
6 December 31, 1999. As of the date of application, the lien had not been released.

## 7 II. GROUNDS FOR ENTRY OF ORDER

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

13 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set  
14 forth in Section I above, Respondent Benson fails to meet the requirements of RCW 19.146.300(1) and (2) and  
15 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form  
16 prescribed by the Director.

17 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set  
18 forth in Section I above, Respondent Benson fails to meet the requirements of RCW 19.146.310(1)(g) and  
19 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the  
20 confidence of the community and to warrant a belief that the business will be operated honestly and fairly  
21 within the purposes of the Act.

## 22 III. AUTHORITY TO IMPOSE SANCTIONS

23 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the  
24 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the  
25 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by

1 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application  
2 of the denial.

3 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue  
4 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed  
5 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker  
6 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

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

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

12 **4.1** Respondent David Lee Benson's application for a loan originator license be denied.

13 **4.2** Respondent David Lee Benson be prohibited from participation in the conduct of the affairs of any  
14 mortgage broker subject to licensure by the Director, in any manner, through Sept 4, 2014.

15 **V. AUTHORITY AND PROCEDURE**

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

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1 Dated this 4 day of December, 2007.

2 [Redacted Signature]  
3  
4 DEBORAH BORTNER  
5 Director  
6 Division of Consumer Services  
7 Department of Financial Institutions

8 Presented by:

9 [Redacted Signature]  
10 DEBORAH PINSONNEAULT  
11 Financial Legal Examiner

12 Approved by:

13 [Redacted Signature]  
14 FATIMA BATIE  
15 Financial Legal Examiner Supervisor

