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3 **STATE OF WASHINGTON**  
4 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
5 **DIVISION OF CONSUMER SERVICES**

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

9 TERRY WILLIAM GOBLE,  
10 Respondent.

NO. C-07-527-08-FO01

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) pursuant to RCW 34.05.440(2). On  
14 December 17, 2007, the Director, through Consumer Services Division Director Deborah Bortner,  
15 entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License  
16 Application and Prohibit from Industry (Statement of Charges). A copy of the Statement of Charges  
17 is attached and incorporated into this order by this reference. The Statement of Charges was  
18 accompanied by a cover letter dated December 18, 2007, a Notice of Opportunity to Defend and  
19 Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served  
20 the Statement of Charges, cover letter dated December 18, 2007, Notice of Opportunity to Defend and  
21 Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on  
22 December 18, 2007, by first class mail and Federal Express overnight delivery.

23 On January 7, 2008, Respondent filed an Application for Adjudicative Hearing (AAH). On  
24 January 8, 2008, the Department made a request to the Office of Administrative Hearings (OAH) to

1 assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of  
2 Charges. On February 8, 2008, ALJ Goodwin issued a Notice of Prehearing Conference by Telephone  
3 scheduling a prehearing conference on Thursday, March 6, 2008 at 3:00 p.m. That Order contained  
4 the following instruction to the parties: "The prehearing conference will be conducted by telephone  
5 conference call. Please call ten (10) minutes prior to the above-scheduled time locally at (360) 753-  
6 2531 or toll free 1-800-583-8271." That Order also noted "Parties who fail to attend or participate in a  
7 hearing or other stage of an adjudicative proceeding may be held in default in accordance with chapter  
8 34.05 RCW, RCW 34.05.440." The Order was mailed by OAH to the Respondent at the address  
9 provided on Respondent's AAH on February 8, 2008  
10

11 On March 6, 2008, the prehearing conference was convened by ALJ Goodwin at 3:00 p.m.  
12 The Department's representative appeared as instructed, but Respondent failed to appear. When the  
13 Respondent had failed to call by 3:19 p.m., ALJ Goodwin found the Respondent in default. On March  
14 10, 2008, ALJ Goodwin issued a Default Order affirming the Statement of Charges. On March 10,  
15 2008, ALJ Goodwin sent the Default Order to the address in Respondent's AAH.

16 Pursuant to RCW 34.05.440(3), Respondent had seven (7) days from the date of service of the  
17 Order of Default and Initial Order to file a written motion with OAH requesting that the Order of  
18 Default and Initial Order be vacated, and stating the grounds relied upon. Respondent did not make a  
19 request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211,  
20 Respondent had twenty (20) days from the date of service of the Order of Default and Initial Order to  
21 file a Petition for Review of the Order of Default and Initial Order with the Director. Respondent did  
22 not file a Petition for Review during the statutory period.  
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1 B. Record Presented. The record presented for the Director's review and for entry of a  
2 final decision included the following:

- 3 1. Statement of Charges, cover letter dated December 18, 2007, and Notice of  
4 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 5 2. Application for Adjudicative Hearing;
- 6 3. Request to OAH for Assignment of Administrative Law Judge;
- 7 4. Notice of Prehearing Conference by Telephone dated February 8, 2008, with  
8 documentation of service;
- 9 5. Default Order dated March 10, 2008, with documentation of service.

10 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the  
11 Director hereby adopts the Statement of Charges, which is attached hereto.

## 12 II. FINAL ORDER

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

15 A. IT IS HEREBY ORDERED, that:

- 16 1. Respondent Terry William Goble's application for a loan originator license is denied;  
17 and
- 18 2. Respondent Terry William Goble is banned from participation in the conduct of the  
19 affairs of any mortgage broker subject to licensure by the Director, in any manner,  
through January 2, 2014.

20 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
21 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
22 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
23 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
24 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
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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 has determined not to consider a Petition to Stay the  
7 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial  
8 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 E. 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 15<sup>th</sup> day of April, 2008.



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

  
SCOTT JARVIS  
DIRECTOR

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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:

TERRY WILLIAM GOBLE,  
  
Respondent.

NO. C-07-527-07-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)<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 Terry William Goble (Respondent Goble)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under America Mortgage, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about January 2, 2007.

**1.2 Prior Criminal Acts.** On September 14, 2005, Respondent Goble was charged in the Superior Court of Washington for Pierce County with the crime of Theft in the Second Degree, a felony violation of RCW 9A.50.040. Respondent Goble subsequently plead guilty on January 10, 2006, to the crime of Engaging in the Business of a Mortgage Broker Without a License, a misdemeanor violation of RCW 19.146.200 involving a financial-related business.

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

1 **1.3 Responses to Application Questions.** The “Criminal Disclosure” section of the loan originator license  
2 application consists of eight questions, and includes the following instruction:

3 “If the answer to any of the following is “YES”, provide complete details of all events or proceedings”  
4 Respondent Goble answered “no” to the following questions on the “Criminal Disclosure” section of his loan  
5 originator license application:

- 6 • 2-Have you ever been charged with any felony?
- 7 • 5-Have you ever been convicted of or plead guilty or nolo contendere (“no contest”) in a  
8 domestic, foreign, or military court to misdemeanor involving: financial services or a financial  
9 services-related business or any fraud, false statements or omissions, theft or any wrongful  
10 taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to  
11 commit any of these offenses?

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

## 14 **II. GROUNDS FOR ENTRY OF ORDER**

15 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent Goble  
16 is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making any false  
17 statement or willfully making any omission of material fact in connection with any application or any  
18 information filed by a licensee in connection with any application, examination or investigation conducted by  
19 the Department.

20 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set  
21 forth in Section I above, Respondent Goble fails to meet the requirements of RCW 19.146.300(1) and (2) and  
22 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form  
23 prescribed by the Director.

24 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set  
25 forth in Section I above, Respondent Goble fails to meet the requirements of RCW 19.146.310(1)(g) and WAC

1 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of  
2 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes  
3 of the Act.

### 4 III. AUTHORITY TO IMPOSE SANCTIONS

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

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

### 14 IV. NOTICE OF INTENTION TO ENTER ORDER

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

19 **4.1** Respondent Terry William Goble's application for a loan originator license be denied.


20 **4.2** Respondent Terry William Goble be prohibited from participation in the conduct of the affairs of any  
21 mortgage broker subject to licensure by the Director, in any manner, through January 2, 2014.

### 22 V. AUTHORITY AND PROCEDURE


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

1 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this  
2 Statement of Charges.


3 Dated this 17<sup>th</sup> day of December, 2007.  
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5   
6 DEBORAH BORTNER  
7 Director  
8 Division of Consumer Services  
9 Department of Financial Institutions

8 Presented by:

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10 STEVEN C. SHERMAN  
11 Financial Legal Examiner

12 Approved by:

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14  
15 FATIMA BATIE  
16 Financial Legal Examiner Supervisor



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