



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

PLANET FINANCIAL, LLC AND KRISTYN
LEIGH DICE,

Respondents.

NO. C-08-057-09-FO01

FINAL ORDER OF DEFAULT FOR
KRISTYN LEIGH DICE

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On December 18, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated December 19, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Kristyn Leigh Dice (herein Respondent Dice). The Department served the Statement of Charges, cover letter dated December 19, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Respondent Dice on January 13, 2009, by First-Class mail and Federal Express overnight delivery. On January 14, 2009, the documents sent via Federal Express were delivered. The documents sent via First-Class mail were not returned to the Department by the United States Post Office.

1 Respondent Dice did not request an adjudicative hearing within twenty calendar days after the
2 Department served her 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 following Statement of Charges, cover letter dated January 13,
6 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Respondent Dice, 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 Kristyn Leigh Dice is banned from participation in the conduct of the
16 affairs of any mortgage broker subject to licensure by the Director, in any manner, for
17 a period of 5 years;
- 18 2. Respondent Kristyn Leigh Dice pay a fine of \$5,000;
- 19 3. Respondent Kristyn Leigh Dice pay \$27,326.98 in restitution to all borrowers listed in
20 the Statement of Charges; and
- 21 4. Respondent Kristyn Leigh Dice pay an investigation fee of \$1,440.

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
25 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The

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 E. Non-compliance with Order. If you do not comply with the terms of this order, the
13 Department may seek its enforcement by the Office of Attorney General to include the collection of the
14 fines and restitution imposed herein.

15 F. 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

19 DATED this 30th day of July, 2009.



20 STATE OF WASHINGTON
21 DEPARTMENT OF FINANCIAL INSTITUTIONS

22 
23 _____
24 DEBORAH BORTNER
25 DIRECTOR
DIVISION OF CONSUMER SERVICES

1
2
3
4
5
6
7
8

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

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

PLANET FINANCIAL, LLC AND KRISTYN
LEIGH DICE,

Respondents.

NO. C-08-057-08-SC01

STATEMENT OF CHARGES and NOTICE OF
INTENTION TO ENTER AN ORDER TO PROHIBIT
FROM INDUSTRY, IMPOSE FINE, ORDER
RESTITUTION, AND COLLECT INVESTIGATION
FEE

9
10
11
12
13
14

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 19.146.235, 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:

15
16
17
18
19
20
21
22
23
24
25

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Planet Financial, LLC (Planet)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on March 21, 2007, and has continued to be licensed to date. Respondent Planet is licensed to conduct the business of a mortgage broker at 3245 146th PL SE, Suite 250 Bellevue, Washington 98007.

B. **Kristyn Leigh Dice (Dice)** is not and has never been licensed to conduct the business of a mortgage broker or loan originator by the Department. Respondent Dice applied for a loan originator license on December 5, 2007, but withdrew the application on December 10, 2007. Respondent Dice re-applied for a loan originator license on January 3, 2008, and withdrew her application on July 15, 2008. Respondent Dice was employed by Respondent Planet during all time frames relevant to this Statement of Charges.

¹ RCW 19.146 (2006)

1 **1.2 Unlicensed Activity.** Between September 2007 and May 2008, Respondent Planet and Respondent
2 Dice assisted at least 4 borrowers in applying, and obtaining, residential mortgage loans on property located in
3 the State of Washington. These loans were originated by Respondent Dice when she did not have a license to
4 conduct the business of a loan originator. The borrowers involved in these residential mortgage loans paid fees
5 to Respondent Planet and Respondent Dice totaling \$ 27,326.98 as follows:

6	Borrower A.H. (10-12-07)	\$ 5,497.99
7	Borrower A.P. (12-21-07)	\$ 6,795.00
8	Borrower A.H. (04-08-08)	\$ 6,182.00
	Borrower S.L. (05-07-08)	<u>\$ 8,851.99</u>
	Total	\$ 27,326.98

9 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
10 Respondents continues to date.

11 II. GROUNDS FOR ENTRY OF ORDER

12 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,
13 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
14 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
15 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
16 person in obtaining or applying to obtain a residential mortgage loan.

17 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006, "Loan
18 originator" means a natural person who (a) takes a residential mortgage loan application for a mortgage broker,
19 or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in the
20 expectation of direct or indirect compensation or gain. "Loan originator" also includes a person who holds
21 themselves out to the public as able to perform any of these activities.

22 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a "Borrower" is defined as any person who
23 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information
24 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself
25 or herself, regardless of whether the person actually obtains such a loan.

1 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in
2 apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device or
3 artifice to defraud or mislead borrowers or lenders or any person, engaging in an unfair or deceptive practice
4 toward any person and obtaining property by fraud or misrepresentation.

5 **2.5 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
6 I above, Respondent Dice is in apparent violation of RCW 19.146.200 for engaging in the business of a
7 mortgage broker and loan originator without first obtaining and maintaining a license under the Act.

8
9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
11 orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any
12 officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to
13 licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through
14 RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265.

15 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(3)(a), the Director may impose fines on a
16 licensee, employee or loan originator of the licensee, or other person subject to the Act for any violations of
17 RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW
18 19.146.205(4), or RCW 19.146.265.

19 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(e), the Director may issue orders
20 directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution for any
21 violation of this chapter.

22 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), upon completion of any
23 investigation of the books and records of a licensee or other person subject to the Act, the Department will furnish
24 to the licensee or other person subject to the Act a billing to cover the cost of the investigation. The investigation
25 charge will be calculated at the rate of \$48 per hour that each staff person devoted to the investigation.

1 **3.5 Liability of Mortgage Broker.** Pursuant to RCW 19.146.245, a licensed mortgage broker is liable for any
2 conduct violating this chapter by the designated broker, a loan originator, or other licensed mortgage broker while
3 employed or engaged by the licensed mortgage broker.

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

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

- 9 **4.1** Respondent Kristyn Leigh Dice be prohibited from participation in the conduct of the affairs of any
10 mortgage broker subject to licensure by the Director, in any manner, for a period of 5 years; and
11 **4.2** Respondents Planet Financial LLC and Kristyn Leigh Dice jointly and severally pay a fine, as of the date of
12 this Statement of Charges, of \$5,000;
13 **4.3** Respondents Planet Financial LLC and Kristyn Leigh Dice jointly and severally pay restitution to all
14 borrowers in the amount of \$27,326.98.
15 **4.4** Respondents Planet Financial LLC and Kristyn Leigh Dice jointly and severally pay an investigation fee,
16 as of the date of this Statement of Charges, in the amount of \$1,440 calculated at \$48 per hour for the 30
17 staff hours devoted to the investigation.

18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //

1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose
3 Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the
4 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to
5 the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written
6 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
7 FOR HEARING accompanying this Statement of Charges.

8
9 Dated this 18th day of December, 2008.

10 


11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 

17 WILLIAM HALSTEAD
18 Financial Legal Examiner

19 Approved by:

20 
21 JAMES R. BRUSSELBACK
22 Enforcement Chief



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

PLANET FINANCIAL, LLC AND KRISTYN
LEIGH DICE,

Respondents.

C-08-057-08-SC01

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO: PLANET FINANCIAL, LLC AND
KRISTYN LEIGH DICE

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by subpoena. If you are limited English-speaking or hearing impaired, you have the right to have an interpreter appointed at no cost to you, as discussed below.