



1 assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of  
2 Charges.

3 On or about April 15, 2008, OAH issued a Notice of Prehearing Conference by Telephone and  
4 assigned ALJ Janet L. Schneider (ALJ Schneider) to preside over prehearing and hearing proceedings  
5 and to issue an Initial Decision. On or about April 15, 2008, ALJ Schneider issued a Notice of  
6 Prehearing Conference. The telephonic prehearing conference was scheduled for April 28, 2008.

7 On April 28, 2008, a representative for the Department appeared via telephone. Respondent  
8 Leisure appeared pro se. At the prehearing conference scheduled for April 28, 2008, ALJ Schneider  
9 set a second prehearing conference for May 7, 2008, to hear arguments on a Motion for Summary  
10 Judgment.  
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12 On or about May 7, 2008, ALJ Schneider issued a Notice of Second Prehearing Conference to  
13 hear arguments on a Motion for Summary Judgment. The Second Prehearing Conference was  
14 scheduled for Tuesday, July 21, 2008 at 8:15 a.m. That Order contained the following instruction to  
15 the parties: "If the Appellant fails to call in and register an appearance, a default or dismissal may be  
16 entered."

17 On or about July 21, 2008, a representative for the Department attended the Motion for  
18 Summary Judgment Hearing before ALJ Schneider. On or about August 22, 2008, ALJ Schneider  
19 issued an Initial Decision and Order on Summary Judgment.  
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21 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had twenty (20) days from the  
22 date of service of the Initial Decision and Order on Summary Judgment to file a Petition for Review  
23 with the Director. Respondent did not file a Petition for Review during the statutory period.  
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1 The 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 1st day of October, 2008.

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18 STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS



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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:

SALLY RUTH LEISURE,  
  
Respondent.

NO. C-08-067-08-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)<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 Sally Ruth Leisure (Respondent Leisure)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Mortgage T, Inc., fka Mortgage Trust, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about April 24, 2007.

**1.2 Prior Administrative Action.** On May 12, 2005, the Oregon State Bar Association, in the Supreme Court of the State of Oregon, suspended Respondent Leisure from the practice of law for a period of eighteen (18) months, effective sixty (60) days from the date of the filing of the decision, pursuant to a violation of the Oregon Code of Professional Responsibility, Disciplinary Rule 1-102(A)(3), Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Requirement of No Prior License Suspension or Revocation.** Based on the Factual Allegations set  
3 forth in Section I above, Respondent Leisure fails to meet the requirements of RCW 19.146.310(1)(c) and  
4 WAC 208-660-350(2)(b) by having a license issued under this chapter or any similar state statute suspended or  
5 revoked within five years of the filing of the present application.

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

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

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

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

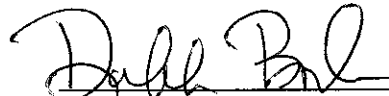
22 **4.1** Respondent Sally Ruth Leisure's application for a loan originator license be denied.

23 **V. AUTHORITY AND PROCEDURE**

24 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application  
25 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW

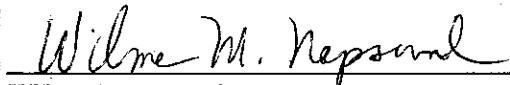
1 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative  
2 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF  
3 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of  
4 Charges.

5 Dated this 3<sup>rd</sup> day of March<sup>DB</sup>, 2008.  
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8 DEBORAH BORTNER  
9 Director  
10 Division of Consumer Services  
11 Department of Financial Institutions

12 Presented by:

13   
14 WILMA M. NEPSUND  
15 Financial Examiner



16 Approved by:

17   
18 FATIMA BATIE  
19 Financial Legal Examiner Supervisor  
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