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

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

NO. C-08-324-09-FO01

PACIFIC ONE RESIDENTIAL COMPANY,
and
PUNA A. "STEVE" MCILWAIN,
President and Owner,

FINAL ORDER

Respondents.

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 November 17, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Collect Annual Assessment Fee, 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 November 20, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Pacific One Residential Company and Puna A. "Steve" McIlwain. The Department served the Statement of Charges, cover letter dated November 20, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Pacific One Residential Company and Puna A.

1 "Steve" McIlwain on Respondents on November 20, 2008, by First-Class mail and by Certified mail.
2 On December 2, 2008, the documents sent via Certified mail were returned by the United States Post
3 Office as "refused." The documents sent via First-Class mail were not returned to the Department by
4 the United States Post Office as undeliverable. On January 21, 2009, the United States Post Office
5 verified that mail addressed to Respondent Puna A. "Steve" McIlwain was being delivered to 3141
6 Michelson Dr., Unit 1702, Irvine, California 92612; the address to which the Department mailed the
7 Statement of Charges, cover letter dated November 20, 2008, Notice of Opportunity to Defend and
8 Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Pacific One Residential
9 Company and Puna A. "Steve" McIlwain.

11 Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain did not request
12 an adjudicative hearing within twenty calendar days after the Department served them with the Notice
13 of Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

14 B. Record Presented. The record presented to the Director's designee for her review and
15 for entry of a final decision included the following:

- 16 1. Statement of Charges, cover letter dated November 20, 2008, Notice of Opportunity
17 to Defend and Opportunity for Hearing, and blank Applications for Adjudicative
18 Hearing for Pacific One Residential Company and Puna A. "Steve" McIlwain, with
documentation of service;
- 19 2. Post Office Address Verification Request form completed by the Irvine, California,
20 Branch Office of the United States Post Office received by the Department on January
21 21, 2009.

22 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
23 Director's designee hereby adopts the Statement of Charges, which is attached hereto.
24

1 II. FINAL ORDER

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

4 A. IT IS HEREBY ORDERED, that:

- 5 1. Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain's
6 license to conduct the business of a Consumer Loan Company is revoked; and
- 7 2. Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain shall
8 jointly and severally pay the delinquent 2007 Annual Assessment in the amount of
9 \$1,500 and a 2007 Annual Assessment late penalty which continues to accrue at the
10 rate of \$100 per day; and
- 11 3. Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain jointly
12 and severally pay an investigation fee of \$276.04; and
- 13 4. Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain
14 maintain records in compliance with the Act and provide the Director with the
15 location of the books, records, and other information relating to Respondents'
16 consumer loan company business, and the name, address, and telephone number of
17 the individual responsible for maintenance of such records in compliance with the
18 Act.

15 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
16 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
17 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
18 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
19 Washington 98504-1200, within ten days of service of the Final Order upon Respondents. The Petition
20 for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a
21 prerequisite for seeking judicial review in this matter.

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

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

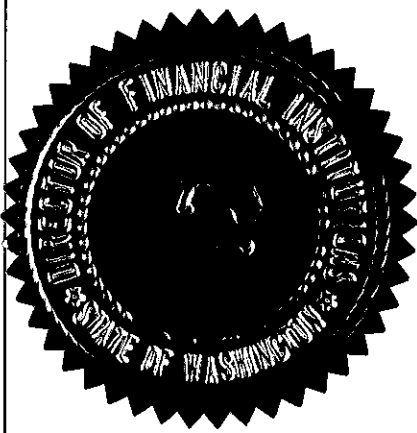
7 D. Judicial Review. Respondents have the right to petition the superior court for
8 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements
9 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.


10 E. Non-compliance with Order. If you do not comply with the financial terms of this order
11 within thirty days of this Consent Order, the Department may seek its enforcement by the Office of
12 Attorney General to include the collection of the fines, fees and restitution imposed herein.

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

17 DATED this 29th day of January, 2009.

18 STATE OF WASHINGTON
19 DEPARTMENT OF FINANCIAL INSTITUTIONS



20
21 
22 DEBORAH BORTNER
23 DIRECTOR
24 DIVISION OF CONSUMER SERVICES

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

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

PACIFIC ONE RESIDENTIAL COMPANY,
and
PUNA A. "STEVE" MCILWAIN,
President and Owner,

Respondents.

NO. C-08-324-08-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE,
COLLECT ANNUAL ASSESSMENT FEE,
AND COLLECT INVESTIGATION FEE

INTRODUCTION

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, 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 Respondents.

A. Pacific One Residential Company (Respondent Pacific One) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a Consumer Loan Company on November 13, 2007, and continues to be licensed to date. Respondent Pacific One is licensed to conduct business from one location at 20371 Irvine Ave., Suite 170, Santa Ana Heights, California.

1 investigation, calculated at the rate of sixty-nine dollars and one cent (\$69.01) per staff hour devoted
2 to the investigation.

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

4 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as
5 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
6 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and RCW
7 31.04.205. Therefore, it is the Director's intention to ORDER that:

8 **4.1** Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain's license to
9 conduct business as a consumer loan company be revoked, and

10 **4.2** Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain jointly and
11 severally pay a 2007 Annual Assessment fee of \$1,500 and a 2007 Annual Assessment late penalty which
12 continues to accrue at the rate of \$100 per day; and

13 **4.3** Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain jointly and
14 severally pay an investigation fee which as of the date of these charges totals \$276.04 calculated at \$69.01
15 per hour for four staff hours devoted to the investigation to date; and

16 **4.4** Respondents Pacific One Residential Company and Puna A. "Steve" McIlwain maintain records
17 in compliance with the Act and provide the Director with the location of the books, records, and other
18 information relating to Respondents' consumer loan company business, and the name, address, and
19 telephone number of the individual responsible for maintenance of such records in compliance with the
20 Act.

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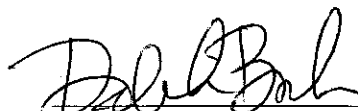
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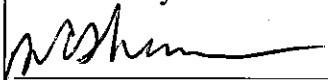
1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License,
3 Collect Annual Assessment Fee, and Collect Investigation Fee (Statement of Charges) is entered
4 pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202, and RCW 31.04.205,
5 and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act).
6 Respondents may make a written request for a hearing as set forth in the NOTICE OF
7 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
8 Statement of Charges.

9
10 Dated this 17th day of November, 2008.

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

16 Presented by:

17 
18 STEVEN C. SHERMAN
19 Financial Legal Examiner

20 Approved by:

21 
22 JAMES R. BRUSSELBACK
23 Enforcement Chief

