Terms Completed

ORDE	ER SUMMA	RY – Case N	umber: C-08-41	0	
Name(s):	Columbia M	Iortgage Inc dba	CMI		
	Tyler Joseph	n Porter			
	Grant Evans	s Porter			
	Justin J. Ast	orquia			
Order Number:	C-08-410-09	9-CO01			
		2000			
Effective Date:	February 3,	2009			
License Number:	DFI: 27771 [NMLS: 2198] -Columbia				
Or NMLS Identifier [U/L]	DFI: 27775 [NMLS: 5452] –Tyler Porter				
	DFI: 27775 [NMLS: 5452] – Tyler Porter DFI: 32157 [NMLS: 5454] –Justin astorquia				
	(Revoked, suspend	Revoked, suspended, stayed, application denied or withdrawn)			
License Effect:	If applicable, you None	must specifically note the	ending dates of terms.		
License Effect.	None				
Not Apply Until:	n/a				
Not Apply Onth.	11/ a				
Not Eligible Until:					
C					
Prohibition/Ban Until :	n/a				
	Γ.	I		1	
Investigation Costs	\$136.80	Due	Paid	Date	
T 7•	¢1.c00	D	D-:1	Dete	
Fine	\$1,600	Due	$\begin{array}{ c c } Paid \\ \hline \end{matrix} Y \Box N \end{array}$	Date	
Assessment(s)	\$	Due	Paid	Date	
Assessment(s)	Ψ	Due	$\square Y \square N$	Dute	
Restitution	\$	Due	Paid	Date	
				•	
Judgment	\$	Due	Paid	Date	
Satisfaction of Judgment H					
	No. o				
	Victim	s:			

Comments:

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2	STATE OF W DEPARTMENT OF FINA	NCIAL INSTITUTION	S	
3	DIVISION OF CON			
4	IN THE MATTER OF DETERMINING Whether there has been a violation of the	NO. C-08-410-09-CO0	1	
5	Mortgage Broker Practices Act of Washington by:			
6	COLUMBIA MORTGAGE, INC., dba CMI, TYLER JOSEPH PORTER, President, Owner and	CONSENT ORDER		
7	Designated Broker, GRANT EVANS PORTER, Owner, and JUSTIN J. ASTORQUIA, Owner,			
8	Respondents.			
9		Financial Institutions (Dir	ector), through his designee	
10	COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Columbia Mortgage, Inc. (hereinafter			
11	Respondent Columbia Mortgage), Tyler Joseph Porter, President, Owner and Designated Broker (hereinafter			
12				
13	Respondent Tyler Porter), Grant Evans Porter (hereinafter Respondent Grant Porter), Owner, and Justin J.			
14	Astorquia, Owner (hereinafter Respondent Astorquia), and finding that the issues raised in the captioned matter			
15	may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is			
16	entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the			
17	Administrative Procedure Act, based on the following:			
18	AGREEMENT AND ORDER			
19	The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents			
20	have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-08-410-08-SC01			
21	(Statement of Charges), entered December 30, 2008, (copy attached hereto). Pursuant to chapter 19.146 RCW,			
22	the Mortgage Broker Practices Act (Act) and RCW 34.05		*	
23	hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above			
24	captioned matter may be economically and efficiently set	led by entry of this Conser	nt Order. The parties intend	
25				
	CONSENT ORDER1C-08-410-09-CO011Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J. Astorquia	DEPARTMENT	OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703	

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this Consent Order to fully resolve the Statement of Charges. Respondents are agreeing not to contest the 1 Statement of Charges in consideration of the terms of this Consent Order. 2 Based upon the foregoing: 3 A. Jurisdiction. It is AGREED that the Department has jurisdiction over the subject matter of the 4 activities discussed herein. 5 B. Waiver of Hearing. It is AGREED that Respondents have been informed of the right to a hearing 6 before an administrative law judge, and that they hereby waive their right to a hearing and any and all 7 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. 8 C. Fine. It is AGREED that Respondents shall pay to the Department a fine of \$1,600, in the form of a 9 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order. 10 D. Investigation Fee. It is AGREED that Respondents shall pay to the Department an investigation fee 11 of \$136.80, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this 12 Consent Order. 13 E. Authority to Execute Order. It is AGREED that the undersigned Respondents have represented and 14 warranted that they have the full power and right to execute this Consent Order on behalf of the parties 15 16 represented. F. Non-Compliance with Order. It is AGREED that Respondents understand that failure to abide 17 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the 18 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in 19 20 pursuing such action, including but not limited to, attorney fees. G. Voluntarily Entered. It is AGREED that the undersigned Respondents have voluntarily entered into 21 22 this Consent Order, which is effective when signed by the Director's designee. H. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this 23 24 Consent Order in its entirety and fully understand and agree to all of the same. 25 DEPARTMENT OF FINANCIAL INSTITUTIONS CONSENT ORDER 2 Division of Consumer Services C-08-410-09-CO01 150 Israel Rd SW Columbia Mortgage, Inc., Tyler Joseph Porter, PO Box 41200 Grant Evans Porter, and Justin J. Astorquia Olympia, WA 98504-1200 (360) 902-8703

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1	RESPONDENTS:		
2	Columbia Mortgage, Inc.		
3	By:		
4	Alton_		1-29-09
+	Tyler boseph Porter President, Owner and Designated Broker	r	Date
5	Prosident, Owner and Designated Distance		
6	The		<u>1-29-09</u> Date
7	Tyler Joseph Porter Individually		Date
8			
9	222-		ilzalog
10	Grant Evans Porter		Date
11	Individually		
	gratel hoting in		1/29/09
12	Justin J. Astorquia		Date
13			•
14		DO NOT WRITE BELOW THIS LI	NE
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	CONSENT ORDER C-08-410-09-CO01 Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J. Astorquia	3	DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703

DAY OF fellowing, 2009. ra THIS ORDER ENTERED THIS <u>3</u> 1 2 3 DEBORAH BORTNER Director 4 **Division of Consumer Services Department of Financial Institutions** 5 6 Presented by: 7 8 **ROBERT E. JONES** 9 **Financial Legal Examiner** 10 Approved by: 11 mer R. Brunch 12 MES R. BRUSSELBACK 13 forcement Chief 14 15 16 17 18 19 20 21 22 23 24 25 DEPARTMENT OF FINANCIAL INSTITUTIONS CONSENT ORDER 4 Division of Consumer Services C-08-410-09-CO01 150 Israel Rd SW Columbia Mortgage, Inc., Tyler Joseph Porter, PO Box 41200 Grant Evans Porter, and Justin J. Astorquia Olympia, WA 98504-1200 (360) 902-8703

1	STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS					
2	DIVISION OF CONSUMER SERVICES					
-4	IN THE MATTER OF DETERMINING Whether there has been a violation of the Mortgage Broker Practices Act of Washington by:	NO. C-08-410-08-SC01				
5	COLUMBIA MORTGAGE, INC., dba CMI,	STATEMENT OF CHARGES and				
6 7	TYLER JOSEPH PORTER, President, Owner and Designated Broker, GRANT EVANS PORTER, Owner, and JUSTIN J. ASTORQUIA, Owner,	NOTICE OF INTENTION TO ENTER AN ORDER TO IMPOSE FINE AND COLLECT INVESTIGATION FEE				
8	Respondents.					
9						
10	INTRO	DUCTION				
11	Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial					
12	Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the					
13	Mortgage Broker Practices Act (Act) ¹ . After having conducted an investigation pursuant to RCW 19.146.235, and					
14	based upon the facts available as of the date of this Statement of Charges, the Director, through his designee,					
15	Division of Consumer Services Director Deborah Bortne	r, institutes this proceeding and finds as follows:				
16	I. FACTUAL	ALLEGATIONS				
17	1.1 Respondents.					
18	A. Columbia Mortgage, Inc., (Respond	ent Columbia) was licensed by the Department of				
19	Financial Institutions of the State of Washington (Depa	rtment) to conduct business as a mortgage broker on				
20	March 29, 2005, and continued to be licensed through 1	December 31, 2007, when its license expired ² .				
21	Respondent Columbia renewed its license on January 31, 2008. Respondent Columbia was not licensed from					
22	January 1, 2008, through January 30, 2008.					
23						
24						
25	¹ RCW 19.146 (2006) ² RCW 19.146.210(4).					
	1 STATEMENT OF CHARGES C-08-410-08-SC01 Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J. Astorquia	DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703				

Tyler Joseph Porter (Respondent Tyler Porter) is the Owner and Designated Broker of Β. 1 Respondent Columbia Mortgage, Inc. Respondent Tyler Porter was issued a Loan Originator license on 2 January 1, 2007, and continues to be licensed to date. 3 Grant Evans Porter (Respondent Grant Porter) is the Owner of Respondent Columbia C. 4 Mortgage, Inc. 5 Justin J. Astorquia (Respondent Astorquia) is the Owner of Respondent Columbia D. 6 7 Mortgage, Inc. Untimely Renewal of Mortgage Broker License. In order to continue conducting business in 2008, 1.2 8 the Respondents were required to renew their mortgage broker license before January 1, 2008. The 9 Respondents did not renew their mortgage broker license timely and as a result could not conduct the business 10of a mortgage broker until their license was renewed on January 31, 2008. 11 Unlicensed Activity. Between at least January 1, 2008, and January 30, 2008, Respondents performed 12 1.3 activity that would require licensure as a mortgage broker under the Act. 13 On-Going Investigation. The Department's investigation into the alleged violations of the Act by 1.4 14 Respondents continues to date. 15 **II. GROUNDS FOR ENTRY OF ORDER** 16 Definition of Mortgage Broker. Pursuant to RCW 19.146.010(12) and WAC 208-660-006, 17 2.1 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or 18 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential 19 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a 20person in obtaining or applying to obtain a residential mortgage loan. 21 Prohibited Acts. Based on the Factual Allegations set forth in Section I above, Respondents are in 2.2 22 apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device or 23 artifice to defraud or mislead borrowers or lenders or any person, for engaging in an unfair or deceptive practice 24 toward any person, and for obtaining property by fraud or misrepresentation. 25 2

2.3 Requirement to Obtain and Maintain License. Based on the Factual Allegations set forth in Section
 I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a mortgage
 broker without first obtaining and maintaining a license under the Act.

2.4 Requirement to Timely Renew License and Refrain from Conducting Business. Based on the
Factual Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660163(16), (17), and (18) for continuing to conduct the business of a mortgage broker after failing to timely renew
a license under the Act.

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III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Impose Fine. Pursuant to RCW 19.146.220(2)(e), and (3)(a), the Director may impose
fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any
violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW
19.146.200, RCW 19.146.205(4), or RCW 19.146.265, or any violation of the Act.

Authority to Collect Investigation Fee. Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
208-660-550(5), upon completion of any investigation of the books and records of a licensee or other person subject
to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
devoted to the investigation.

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IV. NOTICE OF INTENTION TO ENTER ORDER

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

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4.1

Respondents Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J. Astorquia jointly and severally pay a fine of \$2,250; and

4.2 Respondents Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J. Astorquia jointly and severally pay an investigation fee, which as of the date of these charges is \$136.80 calculated at \$48 per hour for 2.85 staff hours devoted to the investigation.

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2	V. AUTHORITY AND PROCEDURE		
3	This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect		
4	Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,		
5	RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05		
6	RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth		
7	in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying		
8	this Statement of Charges.		
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10			
11	Dated this 30° day of December, 2008.		
12	$\square P P P P$		
13	TEROPAH BORTNER		
14	Director Division of Consumer Services		
15	Department of Financial Institutions		
16	Presented by:		
17	RD-FERMINE.		
18	ROBERT E. JONES		
19	Financial Legal Examiner		
20			
21	Approved by:		
22	Anna & Round Hard		
23	JAMES R. BRUSSELBACK		
24	Hnforcement Chief		
25			
	4 STATEMENT OF CHARGES C-08-410-08-SC01 Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J. Astorquia 4 DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703		

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