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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:

JANICE ANDREA HARBIN
AKA JANICE ADAMS,

Respondent.

NO. C-09-036-09-FO01

FINAL ORDER

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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 May 29, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (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 August 12, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated August 12, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on August 12, 2009, by First Class mail, Electronic Mail (E-mail), and Certified Mail. On August 15, 2009, the documents sent via Certified Mail were delivered. The documents sent via First Class mail were not returned to the Department by the United States Postal Service. On August 12, 2009, the documents sent via E-mail were delivered.

1 Respondent 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 Statement of Charges, cover letter dated August 12, 2009, Notice
6 of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing,
7 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.
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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 Janice Andrea Harbin's application for a loan originator license is denied.
16 2. Respondent Janice Andrea Harbin is prohibited from participation in the conduct of the
17 affairs of any mortgage broker subject to licensure by the Director, in any manner, through
18 January 9, 2016.

19 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
20 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
21 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
22 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
23 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'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.

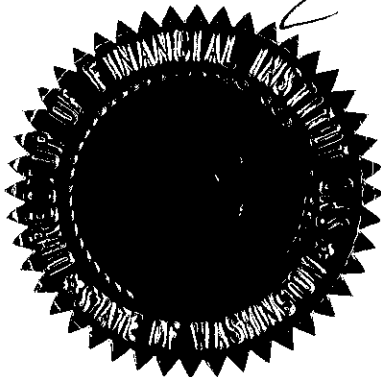
9 D. Judicial Review. Respondent has the right to petition the superior court for judicial
10 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing
11 a Petition for Judicial Review, see RCW 34.05.510 and sections following.
12

13 E. 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 DATED this 14th day of October, 2009.

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18 STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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21 DEBORAH BORTNER
22 DIRECTOR
23 DIVISION OF CONSUMER SERVICES
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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:

JANICE ANDREA HARBIN
AKA JANICE ADAMS,

Respondent.

NO. C-09-036-09-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION
AND PROHIBIT FROM INDUSTRY

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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)¹. After having conducted an investigation pursuant to RCW 19.146.235 and 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:

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I. FACTUAL ALLEGATIONS

1.1 Respondent Janice Andrea Harbin (Respondent Harbin) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Integrity First Mutual Mortgage LLC, a mortgage broker licensed under the Act. The loan originator application was received by the Department on or about, January 9, 2009.

1.2 Prior Criminal Acts. On or about March 20, 1990, Respondent Harbin was charged with Theft in the First Degree (Welfare Fraud), a felony, pursuant to RCW 91.56.30 and 74.08.331, in the Superior Court of the State of Washington for King County, Case No. 90-1-00016-4. Charges for Case No. 90-1-00016-4, were amended on or about July 13, 1990, to False Swearing, a gross misdemeanor, pursuant to RCW 9A.72.040. Respondent Harbin entered a plea of guilty and was found guilty of False Swearing in Case No. 90-1-00016-4, on or about July 10, 1990.

¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 **1.3 Prior Regulatory Action.** On or about June 16, 2004, WA State Department of Licensing (DOL)
2 issued a Statement of Charges (SOC) on License Application and a Temporary Cease and Desist Order (TCD),
3 Case No. 2004-01-0024-00 REA. The SOC alleged that Respondent Harbin engaged in real estate activities
4 without a real estate broker's license and attempted to satisfy an educational requirement by submitting a course
5 applied to the previous year. On or about October 4, 2006, DOL issued a Final Order of Director, denying
6 Respondent Harbin's application for a license as a real estate broker and barred Respondent Harbin from re-
7 applying for a period of five years from the date of the final order in this matter.

8 On or about January 17, 2002, DOL issued an SOC against Respondent Harbin, Case No. 2001-02-
9 0017 REA. The SOC was issued as a result of an investigation into the circumstances of the submission of
10 certain documents and information by Respondent Harbin. The SOC alleged that Respondent Harbin had
11 submitted an altered copy of a continuing education document, in the process of renewing her real estate
12 broker's license on or about January 18, 2001. On or about November 22, 2002, a Findings of Facts,
13 Conclusion of Law and Default Order was issued against Respondent Harbin in Case No. 2001-02-0017 REA,
14 in which Respondent Harbin's real estate broker's license was revoked with a right to re-apply after a period of
15 one year.

16 On or about May 4, 1999, DOL issued a SOC against Respondent Harbin, Case No. 99-013 RE. The
17 SOC was filed for failure to place the name of her licensed business clearly on a sign identifying the office,
18 failure to ensure the accessibility of office records to auditors of DOL, and for failure to keep all required real
19 estate records at the licensed address. Respondent Harbin's real estate license was suspended effective June 24,
20 1999.

21 **1.4 Responses to Application Questions.**

22 (A) The "Criminal Disclosure" section of the loan originator license application consists of
23 eight questions, and includes the following instruction:

24 "If the answer to any of the following is "YES", provide complete details of all events or proceedings"

25 Respondent Harbin answered "no" to the following questions on the "Criminal Disclosure" section of her loan
originator license application:

1 (D) 2 - Have you ever been charged with any felony?

2 (F) 1 - Have you ever been convicted or pled guilty or nolo contendere (“no contest”) in a
3 domestic, foreign, or military court to a misdemeanor involving: financial services or a financial services
4 related business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery,
5 perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?

6 (B) The “Regulatory Action” section of the loan originator license application consists of
7 seven questions, and includes the following instruction:

8 “If the answer to any of the following is “YES”, provide complete details of all events or proceedings”

9 Respondent Harbin answered “no” to the following questions on the “Regulatory Action” section of her loan
10 originator license application:

11 Has any State or federal regulatory agency or foreign financial regulatory authority ever:

12 (1) found you to have made false statements or omission or been dishonest, unfair, or unethical?

13 (7) issued a final order based on violations of any law or regulations that prohibit fraudulent,
14 manipulative, or deceptive conduct?

15 II. GROUNDS FOR ENTRY OF ORDER

16 **2.1 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
17 forth in Section I above, Respondent Harbin fails to meet the requirements of RCW 19.146.310(1)(g) and WAC
18 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of
19 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes
20 of the Act.

21 **2.2 Requirement of No Prior License Suspension or Revocation.** Based on the Factual Allegations set
22 forth in Section I above, Respondent Harbin fails to meet the requirements of RCW 19.146.310(1)(c) and
23 WAC 208-660-350(2)(b) by having a license issued under this chapter or any similar state statute suspended or
24 revoked within five years of the filing of the present application.

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III. AUTHORITY TO IMPOSE SANCTIONS

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

3.2 Authority to Prohibit from Industry. Pursuant to RCW 19.146.220(5)(b), the Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under the Act for false statements or omission of material information on the application.

IV. NOTICE OF INTENTION TO ENTER ORDER

Respondent's 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, RCW 19.146.223 and RCW 19.146.310.

Therefore, it is the Director's intention to ORDER that:

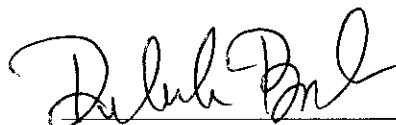
- 4.1** Respondent Janice Andrea Harbin's application for a loan originator license be denied.
- 4.2** Respondent Janice Andrea Harbin be prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, through January 9, 2016.

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V. AUTHORITY AND PROCEDURE

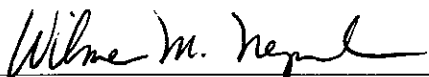
This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 29th day of May, 2009.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



WILMA M. NEPSUND
Financial Examiner

Approved by:



FATIMA BATIE
Financial Legal Examiner Supervisor



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