

Terms Completed

ORDER SUMMARY – Case Number: C-09-307

Name(s): Liberty Financial Mortgage Services LLC

Order Number: C-09-307-09-CO01

Effective Date: March 29, 2012

License Number: DFI 44989 [NMLS 910578]

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect:

Not Apply Until: March 29, 2017

Not Eligible Until:

Prohibition/Ban Until:

Investigation Costs	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments:

RECEIVED

MAR 22 2012

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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:

NO. C-09-307-09-CO01

LIBERTY FINANCIAL MORTGAGE SERVICES,
LLC,

CONSENT ORDER

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Liberty Financial Mortgage Services, LLC, hereinafter Respondent and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-307-09-SC01 (Statement of Charges), entered September 9, 2009, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges.

Based upon the foregoing:

A. Jurisdiction. It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER
C-09-307-09-CO01
Liberty Financial Mortgage Services, LLC

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 **B. Waiver of Appeal.** It is AGREED that Respondent has been informed of the right to an appeal of the
2 Orders in this matter and that it hereby waives its right to a hearing and any and all administrative and judicial
3 review of the issues raised in this matter, or of the resolution reached herein.

4 **C. Application for License.** It is AGREED that Respondent shall not apply to the Department for any
5 license under any name for a period of five years form the date of entry of this Consent Order. It is further
6 AGREED, that should Respondent apply to the Department for any license under any name at any time later than
7 five years from the date of entry of this Consent Order, Respondent shall be required to meet any and all
8 application requirements in effect at that time.

9 **D. Authority to Execute Order.** It is AGREED that the undersigned Respondent has represented and
10 warranted that he has the full power and right to execute this Consent Order on behalf of the party represented.

11 **E. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
12 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
13 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
14 pursuing such action, including but not limited to, attorney fees.


15 **F. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
16 this Consent Order, which is effective when signed by the Director's designee.

17 **G. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent
18 Order in its entirety and fully understands and agrees to all of the same.

19 **RESPONDENT:**

20 **Liberty Financial Mortgage Services, LLC**

21 By: 

22 
23 Mark Randall Hill
Designated Broker/Owner

Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 27th DAY OF March, 2012.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



SHANA L. OLIVER
Financial Legal Examiner

Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief

1 STATE OF WASHINGTON
2 DEPARTMENT OF FINANCIAL INSTITUTIONS
3 DIVISION OF CONSUMER SERVICES

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

NO. C-09-307-09-SC01

7 LIBERTY FINANCIAL MORTGAGE
8 SERVICES LLC,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

Respondent.

9 INTRODUCTION

10 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
11 Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the
12 Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.235, and
13 based upon the facts available as the date of this Statement of Charges, the Director, through his designee, Division
14 of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

15 I. FACTUAL ALLEGATIONS

16 1.1 Respondent Liberty Financial Mortgage Services LLC (Respondent) was licensed by the Department
17 of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at
18 all times relevant to the conduct alleged.

19 1.2 Failure to Timely File Mortgage Broker Annual Report. By March 31, 2009, Respondent was
20 required to file an annual report of mortgage broker activity to include the total number of closed loans
21 originated and the total volume of closed loans originated. Respondent filed the 2008 mortgage broker annual
22 report after April 30, 2009. Respondent also did not timely file the 2007 mortgage broker annual report.

23 1.3 On-Going Investigation. The Department's investigation into the alleged violations of the Act by
24 Respondent continues to date.

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

2 **2.1 Requirement to Timely File Mortgage Broker Annual Report.** Based on the Factual Allegations set
3 forth in Section I above, Respondent is in apparent violation of RCW 19.146.290(1) and WAC 208-660-400(1),
4 (2), (3), and (4) for failing to timely file the mortgage broker annual report.

5 **III. AUTHORITY TO IMPOSE SANCTIONS**

6 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
7 licensee or other person subject to the Act for any violations of the Act.

8 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
9 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
10 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
11 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
12 devoted to the investigation.

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

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

18 **4.1** Respondent Liberty Financial Mortgage Services LLC pay a fine of \$1,500; and

19 **4.2** Respondent Liberty Financial Mortgage Services LLC pay an investigation fee, which as of the
20 date of these charges is \$96 calculated at \$48 per hour for two staff hours devoted to the
investigation.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (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 Brief Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

Dated this 9th day of September, 2009.

[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted Name]

FATIMA BATIE
Financial Legal Examiner Supervisor

Approved by:

[Redacted Name]

JAMES R. BRUSSELBACK
Enforcement Chief

