



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

ALG FUNDING LLC and MARK SILVERMAN,
Owner and Designated Broker,

Respondents.

NO. C-09-354-09-FO02

FINAL ORDER TO CEASE AND DESIST

I. DIRECTOR'S CONSIDERATION

A. Procedural History. 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 September 23, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Temporary Order to Cease and Desist against Respondents ALG Funding LLC and Mark Silverman (Temporary Order to Cease and Desist). A copy of the Temporary Order to Cease and Desist is attached and incorporated into this order by this reference. The Temporary Order to Cease and Desist was accompanied by a cover letter dated September 24, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for ALG Funding LLC and Mark Silverman. The Department served the Temporary Order to Cease and Desist, cover letter dated September 24, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for ALG Funding LLC and Mark Silverman on Respondents on October 7, 2009 by First-Class mail and Federal Express overnight delivery. On October 8, 2009, the documents sent via Federal Express overnight delivery were delivered. The documents sent via First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondents did not request an adjudicative hearing within twenty calendar days after the
2 Department served them 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 following:

- 6 1. Temporary Order to Cease and Desist;
- 7 2. Cover letter dated September 24, 2009;
- 8 3. Notice of Opportunity to Defend and Opportunity for Hearing; and
- 9 4. Blank Applications for Adjudicative Hearing for ALG Funding LLC and Mark Silverman, with documentation of service.

10 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
11 Director's designee hereby adopts the Temporary Order to Cease and Desist, which is attached hereto.

12 II. FINAL ORDER

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

15 A. IT IS HEREBY ORDERED, That Respondents ALG Funding LLC and Mark Silverman
16 shall permanently cease and desist from participating in the conduct of the affairs of any mortgage broker
17 subject to licensure by the Director, in any manner, specifically including, but not limited to originating
18 any residential mortgage loan, assisting with the origination of any residential mortgage loan, and holding
19 out as able to assist any person with applying for or obtaining any residential mortgage loan.

20 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
21 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
22 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
23 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
24 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
25

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.

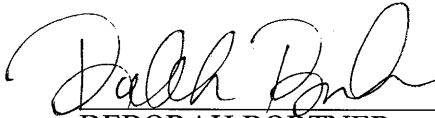
9 D. Judicial Review. Respondents have the right to petition the superior court for
10 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements
11 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.
12

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 24th day of November, 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

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

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

C-09-354-09-TD01

7 ALG FUNDING LLC and MARK SILVERMAN,
8 Owner and Designated Broker,
9 Respondents.

10 TEMPORARY ORDER TO
11 CEASE AND DESIST

12 THE STATE OF WASHINGTON TO: ALG FUNDING LLC
13 MARK SILVERMAN

14 COMES NOW the Director of the Washington State Department of Financial Institutions (Director), by
15 and through his designee Deborah Bortner, Division Director, Division of Consumer Services (designee), and
16 finding that the public is likely to be substantially injured by delay in issuing a cease and desist order, the Director,
17 through his designee, Division of Consumer Services Director Deborah Bortner, enters this Temporary Order to
18 Cease and Desist pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), based on the
19 following findings:

20 I. FACTUAL FINDINGS

21 1.1 Respondent ALG Funding LLC (Respondent ALG) was licensed by the Department of Financial
22 Institutions of the State of Washington (Department) to conduct business as a mortgage broker on or about July
23 21, 2004, and continues to be licensed to date. Respondent ALG is licensed to conduct the business of a
24 mortgage broker at the following location:

18300 NE Union Hill Rd, Suite 292
Redmond, Washington 98052

25 1.2 Respondent Mark Silverman (Respondent Silverman) is Owner and Designated Broker of
Respondent ALG. Respondent Silverman was named Designated Broker of Respondent ALG on July 21, 2004,
and continues as Designated Broker to date.

1.3 Surety Bond Cancellation. On August 5, 2009, the Department received notice from Platte River
Insurance Company that Respondent ALG's surety bond would be cancelled. The bond cancelled effective
September 6, 2009. To date, Respondents have failed to provide the required surety bond.

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

2 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I
3 above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-175(1) for failing to
4 file and maintain a surety bond with the Department.

5 **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

6 **3.1 Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 19.146.227, the
7 Director is authorized to issue a temporary order to cease and desist whenever the Director determines that the
8 public is likely to be substantially injured by delay in issuing a cease and desist order. Based on the Factual
9 Findings and Grounds for Entry of Order set forth above, Respondent ALG Funding LLC does not maintain the
10 required surety bond, and the public is likely to be substantially injured by the lack of said surety bond
11 coverage.

12 **IV. ORDER**

13 Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue Temporary
14 Order to Cease and Desist, and pursuant to RCW 19.146.227, the Director determines that the public is likely to
15 be substantially harmed by a delay in entering a cease and desist order. Therefore, the Director ORDERS that:

16 **4.1** Respondents shall immediately cease and desist from participating in the conduct of the affairs of any
17 mortgage broker subject to licensure by the Director, in any manner, specifically including, but not limited to
18 originating any residential mortgage loan, assisting with the origination of any residential mortgage loan, and
19 holding out as able to assist any person with applying for or obtaining any residential mortgage loan.

20 **4.2** This order shall take effect immediately and shall remain in effect unless set aside, limited, or
21 suspended in writing by an authorized court.


22 **NOTICE**

23 **PURSUANT TO CHAPTER 19.146 RCW, YOU ARE ENTITLED TO A HEARING WITHIN 14 DAYS**
24 **OF REQUEST TO DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU**
25 **DESIRE A HEARING, THEN YOU MUST RETURN THE ATTACHED APPLICATION FOR**
ADJUDICATIVE HEARING INCORPORATED HEREIN BY THIS REFERENCE. FAILURE TO

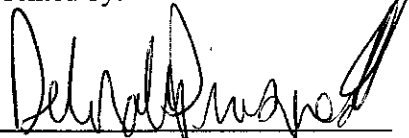
1 COMPLETE AND RETURN THE APPLICATION FOR ADJUDICATIVE HEARING FORM SO THAT IT IS
2 RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS OF
3 THE DATE THAT THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A DEFAULT AND WILL
4 RESULT IN THE LOSS OF YOUR RIGHT TO A HEARING. SERVICE ON YOU IS DEFINED AS POSTING
5 IN THE U.S. MAIL, POSTAGE PREPAID, TO YOUR LAST KNOWN ADDRESS. BE ADVISED THAT
6 DEFAULT WILL RESULT IN THIS ORDER TO CEASE AND DESIST BECOMING PERMANENT ON THE
7 TWENTY-FIRST (21ST) DAY FOLLOWING SERVICE OF THIS ORDER UPON YOU.

8 WITHIN TEN DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TEMPORARY
9 ORDER TO CEASE AND DESIST, YOU MAY APPLY TO THE SUPERIOR COURT IN THE
10 COUNTY OF YOUR PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING
11 ASIDE, LIMITING, OR SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE
12 ADMINISTRATIVE PROCEEDINGS PURSUANT TO THIS NOTICE.

13 DATED this 23rd day of September, 2009.

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17 DEBORAH BORTNER
18 Director
19 Division of Consumer Services
20 Department of Financial Institutions

21 Presented by:

22 
23 DEBORAH PINSONNEAULT
24 Financial Legal Examiner



25 Approved by:

26 
27 JAMES R. BRUSSELBACK
28 Enforcement Chief