



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:

NO. C-09-371-09-FO01

APEX FINANCIAL LLC and JONATHAN EUGENE
LESLIE, Owner and Designated Broker,
Respondents.

FINAL ORDER

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 November 10, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Revoke License, Impose Fine, 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 10, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents Apex Financial LLC and Jonathan Eugene Leslie. The Department served the Statement of Charges, cover letter dated November 10, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents Apex Financial LLC and Jonathan Eugene Leslie on Respondents Apex Financial LLC and Jonathan Eugene Leslie on November 10, 2009 by First-Class mail and Federal Express overnight delivery. On November 11, 2009, the

1 documents sent via Federal Express overnight delivery were delivered. The documents sent via First-
2 Class mail were not returned to the Department by the United States Post Office.

3 Respondents Apex Financial LLC and Jonathan Eugene Leslie did not request an adjudicative
4 hearing within twenty calendar days after the Department served them with the Notice of Opportunity
5 to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

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

- 8 1. Statement of Charges;
- 9 2. Cover letter dated November 10, 2009;
- 10 3. Notice of Opportunity to Defend and Opportunity for Hearing; and
- 11 4. Blank Applications for Adjudicative Hearing for Respondents Apex Financial LLC
12 and Jonathan Eugene Leslie, with documentation of service.

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

15 II. FINAL ORDER

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

18 A. IT IS HEREBY ORDERED, That:

- 19 1. Respondent Apex Financial LLC and Respondent Jonathan Eugene Leslie cease and
20 desist from conducting the business of a mortgage broker;
- 21 2. Respondent Apex Financial LLC's license to conduct the business of a Mortgage
22 Broker is revoked;
- 23 3. Respondent Jonathan Eugene Leslie's license to conduct the business of a designated
24 broker and loan originator is revoked;

1 4. Respondents Apex Financial LLC and Respondent Jonathan Eugene Leslie jointly and
2 severally pay a fine of \$3,000; and

3 5. Respondents Apex Financial LLC and Respondent Jonathan Eugene Leslie jointly and
4 severally pay an investigation fee of \$168.

5 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
6 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
7 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
8 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
9 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
10 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
11 Reconsideration a prerequisite for seeking judicial review in this matter.

12 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
13 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
14 notice specifying the date by which it will act on a petition.

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

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


21 E. Non-compliance with Order. If you do not comply with the terms of this order, the
22 Department may seek its enforcement by the Office of Attorney General to include the collection of the
23 fines, fees, and restitution imposed herein.
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1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
2 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
3 attached hereto.

4 DATED this 18th day of December, 2009.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES

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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
Mortgage Broker Practices Act of Washington by:

NO. C-09-371-09-SC01

APEX FINANCIAL LLC and JONATHAN
EUGENE LESLIE, Owner and Designated
Broker,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO CEASE AND DESIST, REVOKE
LICENSE, IMPOSE FINE, AND COLLECT
INVESTIGATION FEE

Respondents.

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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 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 Respondents.

A. Apex Financial LLC (Respondent Apex) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on August 21, 2007, and continues to be licensed to date. Respondent Apex is licensed to conduct the business of a mortgage broker at the following location: 18505 SE Newport Way, C212, Issaquah, Washington, 98027.

B. Jonathan Eugene Leslie (Respondent Leslie) is Owner and Designated Broker of Respondent Apex. Respondent Leslie was named Designated Broker of Respondent Apex on August 21, 2007, and continues as Designated Broker to date.

¹ RCW 19.146 (2007)

1 **1.2 Failure to Maintain Bond.** On August 19, 2009, the Department received notice from Platte River
2 Insurance Company that Respondent Apex's surety bond would be cancelled. To date, Respondents have failed
3 to provide the Department with the required surety bond.

4 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
5 Respondents continues to date.

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

7 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I
8 above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-175(1) for failing to
9 file and maintain a surety bond with the Department.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the Director may
12 issue orders directing a licensee, its employee or loan originator, or other person subject to the Act to cease and
13 desist from conducting business.

14 **3.2 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(c) and (e) the Director may revoke a
15 license for failure to pay a fee required by the Director, or maintain the required bond, or any violation of the
16 Act.

17 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2) and (3) and WAC 208-660-530(6), the
18 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to
19 the Act for any violations of RCW 19.146.200, or any violation of the Act.

20 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520(9) and
21 WAC 208-660-550(4) upon completion of any investigation of the books and records of a licensee or other person
22 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover
23 the cost of the investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per
24 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:

- 4.1 Respondents Apex Financial LLC and Jonathan Eugene Leslie cease and desist from conducting the business of a mortgage broker;
- 4.2 Respondent Apex Financial LLC's license to conduct the business of a mortgage broker be revoked;
- 4.3 Respondent Jonathan Eugene Leslie's license to conduct the business of a designated broker and loan originator be revoked;
- 4.4 Respondents Apex Financial LLC and Jonathan Eugene Leslie jointly and severally pay a fine, which as of the date of this Statement of Charges totals \$3,000;
- 4.5 Respondents Apex Financial LLC and Jonathan Eugene Leslie jointly and severally pay an investigation fee which as of the date of this Statement of Charges totals \$168 calculated at \$48 per hour for three and one half (3.5) staff hours devoted to the investigation; and
- 4.6 Respondents Apex Financial LLC and Jonathan Eugene Leslie maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

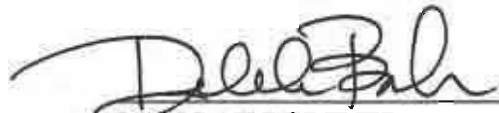
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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Revoke
3 License, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the
4 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to
5 the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written
6 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
7 FOR HEARING accompanying this Statement of Charges.

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9 Dated this 10th day of November, 2009.


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

16 Presented by:

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18 DEBORAH PINSONNEAULT
19 Financial Legal Examiner



20 Approved by:

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22 JAMES R. BRUSSELBACK
23 Enforcement Chief