



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:

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

NO. C-09-371-09-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 November 10, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a 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 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 Temporary Order to Cease and Desist, 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. Temporary Order to Cease and Desist;
- 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 Temporary Order to Cease and Desist, 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:
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19 A. IT IS HEREBY ORDERED, That:

20 Respondent Apex Financial LLC and Respondent Jonathan Eugene Leslie permanently cease and
21 desist from participating in the conduct of the affairs of any mortgage broker subject to licensure by the
22 Director, in any manner, specifically including, but not limited to originating any residential mortgage
23 loan, assisting with the origination of any residential mortgage loan, and holding out as able to assist any
24 person with applying for or obtaining any residential mortgage loan.
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1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
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3 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
4 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
5 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
6 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
7 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
8 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

18 E. Non-compliance with Order. If you do not comply with the terms of this order, the
19 Department may seek its enforcement by the Office of Attorney General to include the collection of the
20 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.



6 STATE OF WASHINGTON
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

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9 DEBORAH BORTNER
10 DIRECTOR
11 DIVISION OF CONSUMER SERVICES

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

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

C-09-371-09-TD01

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

TEMPORARY ORDER TO
CEASE AND DESIST

Respondents.

THE STATE OF WASHINGTON TO:

APEX FINANCIAL LLC
JONATHAN EUGENE LESLIE

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

I. FACTUAL FINDINGS

1.1 Respondent 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

1.2 Respondent 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.

1.3 Surety Bond Cancellation. On August 19, 2009, the Department received notice from Platte River Insurance Company that Respondent Apex's surety bond would be cancelled. To date, Respondents have failed to provide the Department with 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 Apex Financial LLC does not maintain
10 the 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**

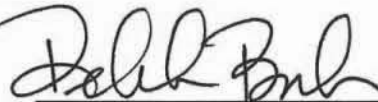
23 **PURSUANT TO CHAPTER 19.146 RCW, YOU ARE ENTITLED TO A HEARING WITHIN 14 DAYS**
24 **OF REQUEST TO DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU**
25 **DESIRE A HEARING, THEN YOU MUST RETURN THE ATTACHED APPLICATION FOR**
ADJUDICATIVE HEARING INCORPORATED HEREIN BY THIS REFERENCE. FAILURE 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 ORDER
9 TO CEASE AND DESIST, YOU MAY APPLY TO THE SUPERIOR COURT IN THE COUNTY OF
10 YOUR PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING ASIDE, LIMITING, OR
11 SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE ADMINISTRATIVE
12 PROCEEDINGS PURSUANT TO THIS NOTICE.

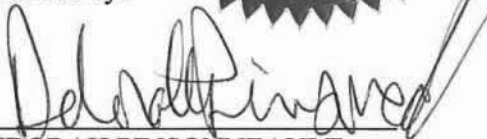
13 DATED this 10th day of November, 2009.



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

20 Presented by:

21 

22 DEBORAH PINSONNEAULT
23 Financial Legal Examiner

24 Approved by:

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JAMES R. BRUSSELBACK
Enforcement Chief