

RECEIVED
DIVISION OF FINANCIAL INSTITUTIONS
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-10-082-10-CO01

THOMAS L. MCLEMORE, JR.,

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 Thomas L. McLemore, Jr. (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-10-082-10-SC01 (Statement of Charges), entered April 22, 2010, (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

1 the Statement of Charges. Respondent is agreeing not to contest the Statement of Charges in
2 consideration of the terms of this Consent Order.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
7 hearing before an administrative law judge, and that he hereby waives his right to a hearing and any and
8 all administrative and judicial review of the issues raised in this matter, or of the resolution reached
9 herein.

10 **C. License Surrender.** It is AGREED that the Department will accept Respondent's voluntary
11 surrender of his loan originator license. It is further AGREED that Respondent understands that he is not
12 eligible for a loan originator license and he may not conduct business as a loan originator or mortgage
13 broker for Washington consumers or properties.

14 **D. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
15 abide by the terms and conditions of this Consent Order may result in further legal action by the
16 Director. It is further AGREED that this Consent Order is based upon Declarations submitted by
17 Respondent and his wife, Maria McLemore. It is further AGREED that Respondent understands and
18 agrees that any misstatements in the afore-referenced Declarations may result in further legal action by
19 the Director. In the event of such legal action, Respondent may be responsible to reimburse the
20 Director for the costs incurred in pursuing such action, including, but not limited to, attorney fees.

21 **E. Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this
22 Consent Order, which is effective when signed by the Director's designee.

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

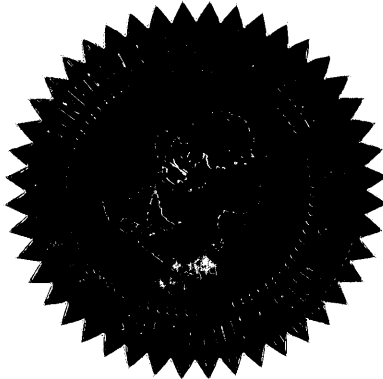
3 **RESPONDENT:**

4 Thomas L. McLemore Jr.
5 Thomas L. McLemore, Jr.

June 30, 2010
Date

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7
8 **DO NOT WRITE BELOW THIS LINE**

9 THIS ORDER ENTERED THIS 9th DAY OF July, 2010.



Deborah Bortner
DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

15 Presented by:

16
17 Steven C. Sherman
STEVEN C. SHERMAN
18 Financial Legal Examiner

19 Approved by:

20
21 James R. Brusselback
22 JAMES R. BRUSSELBACK
Enforcement Chief

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

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

THOMAS L. MCLEMORE, JR.,
Loan Originator,

Respondent.

NO. C-10-082-10-SC01

STATEMENT OF CHARGES and NOTICE OF
INTENTION TO ENTER AN ORDER TO
REVOKE LICENSE, PROHIBIT FROM
INDUSTRY, AND COLLECT INVESTIGATION
FEE

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INTRODUCTION

12 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
13 Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the
14 Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.210 and
15 RCW 19.146.235, and based upon the facts available as of the date of these charges, the Director, through his
16 designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

17

I. FACTUAL ALLEGATIONS

18 **1.1 Respondent Thomas L. McLemore, Jr., (Respondent)** was licensed by the Department of Financial
19 Institutions of the State of Washington (Department) to conduct business as a loan originator on May 30, 2007,
20 and has continued to be licensed to date. Respondent is licensed to conduct the business of a loan originator for
21 Access Mortgage Company, Inc., a mortgage broker licensed to do business under the Act at 2633 Eastlake
22 Avenue E., Suite 207, Seattle, Washington.

23 **1.2 Ineligibility for Loan Originator License.** On or about February 4, 1992, Respondent entered a "no
24 contest" guilty plea in the Superior Court of California, County of Los Angeles, to the felony crime of Grand
25 Theft Person in violation of §487.2 of the California Penal Code. Grand Theft Person is a crime of dishonesty.

1 **1.3 Negligently Making a False Statement or Knowingly and Willfully Making an Omission of**
2 **Material Fact in Connection with an Investigation Conducted by the Department.** On or about September
3 25, 2009, the Department issued a Directive and Request for Information to Respondent notifying Respondent
4 of his ineligibility for a loan originator license due to the criminal conviction set forth in paragraph 1.2, above.
5 The Department's Directive invited Respondent to provide clarification if the Department's information related
6 to the criminal conviction was incorrect. On or about November 2, 2009, the Department received a letter from
7 Respondent which stated in relevant part that the Department's information was not correct. The Department
8 subsequently obtained certified records from the Superior Court of California, County of Los Angeles,
9 establishing that on or about February 4, 1992, Respondent had entered a "no contest" guilty plea to the felony
10 crime of Grand Theft Person.

11 **1.4 Failure to Comply with Resolution and Request for Action.** On or about March 4, 2010, the
12 Department issued a Resolution and Request for Action under complaint 32667 notifying Respondent of his
13 ineligibility for a loan originator license and requested that Respondent voluntarily surrender his license on or
14 before March 18, 2010. Respondent did not surrender his license.

15 **1.5 On-Going Investigation.** The Department's investigation into the license status of Respondent
16 continues to date.

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

18 **2.1 Requirement of no Prior Convictions for Felony Crimes of Dishonesty.** Based on the Factual
19 Allegations set forth in Section I above, Respondent is not eligible for a license as a loan originator pursuant to
20 the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act) and RCW
21 19.146.310(1)(d)(ii) due to having previously been convicted in a domestic court of a felony crime of
22 dishonesty.

23 **2.2 Prohibition against Negligently Making a False Statement or Knowingly and Willfully Making**
24 **an Omission of Material Fact in Connection with an Investigation Conducted by the Department.**

25 Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW

1 19.146.0201(8) for negligently making a false statement or knowingly and willfully making an omission of
2 material fact in connection with an investigation conducted by the Department.

3 **III. AUTHORITY TO IMPOSE SANCTIONS**

4 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(e), the Director may revoke a license
5 for any violation of the Act.

6 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
7 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
8 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
9 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

10 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-550(4), the
11 Director may collect the costs of investigation. The investigation charge will be calculated at the rate of \$48 per
12 hour that each examiner person 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 19.146.210, RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223.

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

18 **4.1** Respondent Thomas L. McLemore, Jr.'s license to conduct business as a loan originator be revoked;

19 **4.2** Respondent Thomas L. McLemore, Jr., be prohibited from participation in the conduct of the affairs of any
20 mortgage broker subject to licensure by the Director, in any manner, for a period of five years; and

21 **4.3** Respondent Thomas L. McLemore, Jr., pay an investigation fee which as of the date of these charges totals
22 \$528, calculated at \$48 per hour for the 11 examiner hours devoted to the investigation.

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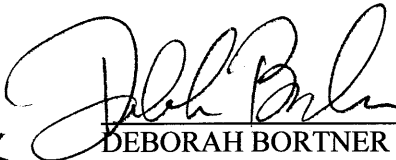
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1 **V. AUTHORITY AND PROCEDURE**

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

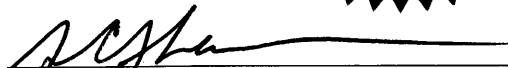
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9 Dated this 22nd day of April, 2010.



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

16 Presented by:

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18 STEVEN C. SHERMAN
19 Financial Legal Examiner

20 Approved by:

21 

22 JAMES R. BRUSSELBACK
23 Enforcement Chief