

Terms Completed

ORDER SUMMARY – Case Number: C-10-084

Name(s): Allen Mortgage LC
Allen Zitting
Jennifer Zitting
Joyce Steed
Linda Cox
Rebecca Fischer
Beth Timpson
Daniel Timpson
Samuel Timpson
Esther White

Order Number: C-10-084-10-CO01

Effective Date: July 19, 2010

License Number: DFI: 22800 [NMLS: 3147] DFI:52088 [NMLS:179606]
DFI: 22054 [NMLS: 135280] DFI: 51527 [NMLS:137825]
DFI: 52326 [NMLS: 69961]

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

License Effect: n/a
If applicable, you must specifically note the ending dates of terms.

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: _____

Investigation Costs	\$768	Due 0	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: July 19/10
Fine	\$11,000	Due 0	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: July 19/10
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	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:				

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

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

NO. C-10-084-10-CO01

8 ALLEN MORTGAGE LC, ALLEN ZITTING,
9 President, Managing member, and Loan Originator,
10 JENNIFER ZITTING, Vice President, Designated
11 Broker and Loan Originator, JOYCE STEED, Loan
12 Originator, LINDA COX, Loan Originator,
13 REBECCA FISCHER, Loan Originator, BETH
14 TIMPSON, Loan Originator, DANIEL TIMPSON,
15 Loan Originator, SAMUEL TIMPSON, Loan
16 Originator, and ESTHER WHITE, Loan Originator,

CONSENT ORDER

17 Respondents.

18 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
19 Deborah Bortner, Division Director, Division of Consumer Services, and Allen Mortgage LC (hereinafter
20 Respondent Allen Mortgage LC), Allen Zitting, (Respondent Allen Zitting), Jennifer Zitting, (Respondent Jennifer
21 Zitting), Joyce Steed (Respondent Steed), Linda Cox (Respondent Cox), Rebecca Fischer (Respondent Fischer),
22 Beth Timpson¹ (Respondent Beth Timpson), Daniel Timpson (Respondent Daniel Timpson), Samuel Timpson
23 (Respondent Samuel Timpson), and Esther White (Respondent White), and finding that the issues raised in the
24 above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This
25 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:

¹ Beth Timpson is also known as Beth White.

CONSENT ORDER
C-10-084-10-CO01
ALLEN MORTGAGE LC, ALLEN ZITTING,
JENNIFER ZITTING, JOYCE STEED, LINDA
COX, REBECCA FISCHER, BETH TIMPSON,
DANIEL TIMPSON, SAMUEL TIMPSON, AND
ESTHER WHITE

1

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



1 **AGREEMENT AND ORDER**

2 The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents
3 have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-084-10-SC01
4 (Statement of Charges), entered June 21, 2010, (copy attached hereto). Pursuant to chapter 19.146 RCW, the
5 Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents
6 hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-
7 captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend
8 this Consent Order to fully resolve the Statement of Charges.

9 Based upon the foregoing:

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

12 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
13 before an administrative law judge, and that they hereby waive their right to a hearing and any and all
14 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

15 C. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$11,000, in the form of a
16 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

17 D. **Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
18 of \$768, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
19 Consent Order. The fine and investigation fee may be paid in one cashier's check.

20 E. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and
21 warranted that they have the full power and right to execute this Consent Order on behalf of the parties
22 represented.



23
24
25 CONSENT ORDER
C-10-084-10-CO01
ALLEN MORTGAGE LC, ALLEN ZITTING,
JENNIFER ZITTING, JOYCE STEED, LINDA
COX, REBECCA FISCHER, BETH TIMPSON,
DANIEL TIMSPON, SAMUEL TIMSPON, AND
ESTHER WHITE

1 F. **Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
2 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
3 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
4 pursuing such action, including but not limited to, attorney fees.

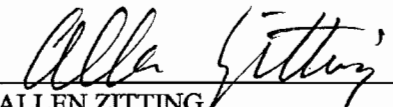
5 G. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into
6 this Consent Order, which is effective when signed by the Director's designee.

7 H. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
8 Consent Order in its entirety and fully understand and agree to all of the same.

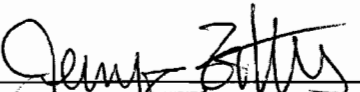
9 **RESPONDENTS:**

10 ALLEN MORTGAGE LC


By:

11 
12 ALLEN ZITTING
13 President, Managing Member, and individually

7-7-10
Date

14 
15 JENNIFER ZITTING
16 Designated Broker and individually

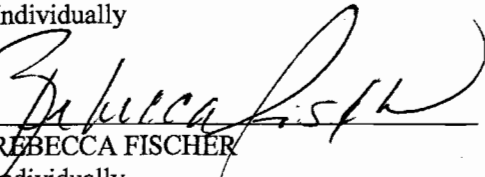
7/8/10
Date

17 
18 JOYCE STEED
19 Individually

7/10/2010
Date

20 
21 LINDA COX
22 Individually

7/7/10
Date

23 
24 REBECCA FISCHER
25 Individually

7/8/10
Date

CONSENT ORDER
C-10-084-10-CO01
ALLEN MORTGAGE LC, ALLEN ZITTING,
JENNIFER ZITTING, JOYCE STEED, LINDA
COX, REBECCA FISCHER, BETH TIMPSON,
DANIEL TIMSPON, SAMUEL TIMSPON, AND
ESTHER WHITE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Beth Timpson

BETH TIMPSON
Individually

7-9-10
Date

Daniel Timpson

DANIEL TIMPSON
Individually

7-7-10
Date

Samuel Timspen

SAMUEL TIMSPON
Individually

7-7-10
Date

Esther White

ESTHER WHITE
Individually

7-8-10
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 19th DAY OF July, 2010.



Deborah Bortner

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

Marnie Sheeran

MARNIE SHEERAN
Financial Legal Examiner

Approved by:

James R. Brusselback

JAMES R. BRUSSELBACK
Enforcement Chief

ph

CONSENT ORDER
C-10-084-10-CO01
ALLEN MORTGAGE LC, ALLEN ZITTING,
JENNIFER ZITTING, JOYCE STEED, LINDA
COX, REBECCA FISCHER, BETH TIMPSON,
DANIEL TIMSPON, SAMUEL TIMSPON, AND
ESTHER WHITE

1
2
3
4
5
6
7
8
9
10
11
12

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

13
14
15
16
17
18
19
20
21
22
23

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

NO. C-10-084-10-SC01

24
25

ALLEN MORTGAGE LC, ALLEN ZITTING,
President, Managing Member, and Loan
Originator, JENNIFER ZITTING, Vice President,
and Designated Broker, and Loan Originator,
JOYCE STEED, Loan Originator, LINDA COX,
Loan Originator, REBECCA FISCHER, Loan
Originator, BETH TIMSPON, Loan Originator,
DANIEL TIMPSON, Loan Originator, SAMUEL
TIMPSON, Loan Originator, and ESTHER
WHITE, Loan Originator.

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

Respondents.

26
27
28
29
30
31
32
33
34
35

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:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Allen Mortgage LC (Respondent Allen Mortgage) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on November 20, 2001, and continued to be licensed until December 31, 2009². Respondent Allen Mortgage was licensed to

¹ RCW 19.146 (2007).

² Respondent Allen Mortgage surrendered its mortgage broker's license on December 31, 2009, but obtained a consumer loan license from the Department on January 8, 2010. Further, Allen Mortgage is a limited liability corporation that uses

1 conduct the business of a mortgage broker at one location at 1675 South Berry Knoll Boulevard, Centennial
2 Park, Arizona, 86021.

3 B. Respondent Allen Zitting (Respondent Allen Zitting) is the President and Managing Member of
4 Respondent Allen Mortgage. Respondent Allen Zitting obtained a license to engage in the business of a loan
5 originator on or about July 27, 2009, and continues to be licensed to date.

6 C. Jennifer Zitting (Respondent Jennifer Zitting) is the Vice President and Designated Broker of
7 Respondent Allen Mortgage. Respondent Jennifer Zitting became licensed as a loan originator on or about
8 January 1, 2007, and continued to be licensed until her license expired on December 31, 2009.

9 D. Joyce Steed (Respondent Steed) was licensed by the Department as a loan originator on August
10 6, 2009.

11 E. Linda Cox (Respondent Cox) acted as a loan originator for Respondent Allen Mortgage
12 between at least September 1, 2008, and April 1, 2009.

13 F. Rebecca Fischer (Respondent Fischer) acted as a loan originator for Respondent Allen
14 Mortgage between at least May 1, 2008, and June 1, 2008.

15 G. Beth Timpson¹ (Respondent Beth Timpson) acted as a loan originator for Respondent Allen
16 Mortgage at least March 1, 2008, and October 1, 2008.

17 H. Daniel Timpson (Respondent Daniel Timpson) acted as a loan originator for Respondent Allen
18 Mortgage between at least March 15, 2008, and June 1, 2008.

19 I. Samuel Timpson (Respondent Samuel Timpson) acted as a loan originator for Respondent Allen
20 Mortgage between at least April 1, 2008, and June 1, 2008.

21 J. Esther White (Respondent White) acted as a loan originator for Respondent Allen Mortgage
22 between at least March 15, 2008, and June 1, 2008.

23
24 the abbreviation of LC or LLC to reference its limited liability corporation status. For purposes of this Statement of
25 Charges, "LC" will be used when referring to Respondent Allen Mortgage

¹ Beth Timpson is also known as Beth White.

1 **1.2 Unlicensed Activity.** Between at least January 1, 2008, and May 1, 2008, Respondent Steed assisted at
2 least one borrower in applying to obtain or in obtaining residential mortgage loans on property located in the
3 State of Washington from Respondent Allen Mortgage's office. Respondent Steed did not obtain a license to
4 engage in the business of a loan originator from the Department until August 6, 2009. Respondent Steed
5 continues to be licensed to date.

6 **1.3** Between at least September 1, 2008, and April 1, 2009, Respondent Cox assisted at least two borrowers
7 in applying to obtain or in obtaining residential mortgage loans on property located in the State of Washington
8 from Respondent Allen Mortgage's office. To date, the Department has not issued a license to Respondent Cox
9 to conduct the business of a loan originator from any location.

10 **1.4** Between at least May 1, 2008, and June 1, 2008, Respondent Fischer assisted at least one borrower in
11 applying to obtain or in obtaining a residential mortgage loan on property located in the State of Washington
12 from Respondent Allen Mortgage's office. To date, the Department has not issued a license to Respondent
13 Fischer to conduct the business of a loan originator from any location.

14 **1.5** Between at least March 1, 2008, and October 1, 2008, Respondent Beth Timpson assisted at least two
15 borrowers in applying to obtain or in obtaining a residential mortgage loans on property located in the State of
16 Washington from Respondent Allen Mortgage's office. To date, the Department has not issued a license to
17 Respondent Beth Timpson to conduct the business of a loan originator from any location.

18 **1.6** Between at least March 15, 2008, and June 1, 2008, Respondent Daniel Timpson assisted at least one
19 borrower in applying to obtain or in obtaining a residential mortgage loan on property located in the State of
20 Washington from Respondent Allen Mortgage's office. To date, the Department has not issued a license to
21 Respondent Daniel Timpson to conduct the business of a loan originator from any location.

22 **1.7** Between at least April 1, 2008, and June 1, 2008, Respondent Samuel Timpson assisted at least one
23 borrower in applying to obtain or in obtaining a residential mortgage loan on property located in the State of
24
25

1 Washington from Respondent Allen Mortgage's office. To date, the Department has not issued a license to
2 Respondent Samuel Timpson to conduct the business of a loan originator from any location.

3 **1.8** Between at least March 15, 2008, and June 1, 2008, Respondent White assisted at least three borrowers in
4 applying to obtain or in obtaining residential mortgage loans on property located in the State of Washington
5 from Respondent Allen Mortgage's office. To date, the Department has not issued a license to Respondent
6 White to conduct the business of a loan originator from any location.

7 **1.9 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
8 Respondents continues to date.

9 II. GROUNDS FOR ENTRY OF ORDER

10 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-010(29),
11 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
12 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
13 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
14 person in obtaining or applying to obtain a residential mortgage loan.

15 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006, "Loan
16 Originator" means a natural person who (a) takes a residential mortgage loan application for a mortgage broker,
17 or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in
18 expectation of direct or indirect compensation or gain. "Loan Originator" also includes a person who holds
19 themselves out to the public as able to perform any of these activities.

20 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a "Borrower" is defined as any person who
21 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information
22 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself
23 or herself, regardless of whether the person actually obtains such a loan.

1 **2.4 Requirement to Obtain or Maintain Loan Originator License.** Based on the Factual Allegations set
2 forth in Section I above, Respondents are in apparent violation of RCW 19.146.0201(2) and RCW 19.146.200
3 for engaging in the business of a loan originator without first obtaining and maintaining a license under the Act.

4 **2.5 Responsibility for Conduct of Loan Originators.** Pursuant to RCW 19.146.245 and WAC 208-660-
5 155(3), a licensed mortgage broker is liable for any conduct violating the Act by the designated broker or loan
6 originator employed or engaged by the licensed mortgage broker. Pursuant to RCW 19.146.200(4)(a) and (b), a
7 designated broker or principal of a licensed mortgage broker is liable for an employee's violations of the act if
8 the designated broker or principal directs or instructs the conduct or with knowledge of the specific conduct
9 approves or allows the conduct, or knows or by the exercise of reasonable care and inquiry should have known
10 of the conduct at the time when its consequences can be avoided or mitigated and fails to take reasonable
11 remedial action.

12 III. AUTHORITY TO IMPOSE SANCTIONS

13 **3.1 Authority to Revoke.** Pursuant to RCW 19.146.220(2)(e), the Director may revoke a license for any
14 violation of chapter 19.146 RCW.

15 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a),(b) and (d), the Director
16 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
17 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage
18 broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
19 (13), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265,
20 false statements or omission of material information on the application that, if known, would have allowed the
21 Director to deny the application for the original license, or failure to comply with a directive or order of the
22 Director.

23 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(b),(d) and (e) and RCW 19.146.220(3) (a)
24 and (b), the Director may impose fines on a licensee, employee or loan originator of the licensee, or other
25

1 person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030
2 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), RCW 19.146.265, failure to comply with a
3 directive or order of the Director or any violation of Chapter 19.146 RCW.

4 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-550(5),
5 upon completion of any investigation of the books and records of a licensee or other person subject to the Act,
6 the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the
7 investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per hour that
8 each staff person devoted to the investigation.

9 IV. NOTICE OF INTENTION TO ENTER ORDER

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

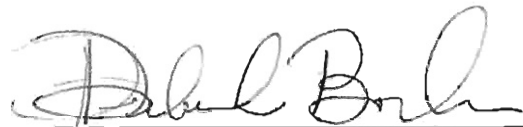
- 14 **4.1** Respondent Allen Mortgage LC's license to conduct the business of a mortgage broker be revoked; and
15 **4.2** Respondents Allen Zitting, Jennifer Zitting, and Joyce Steed's license to conduct the business of a loan
16 originator be revoked; and
17 **4.3** Respondents Allen Mortgage LC, Allen Zitting, Jennifer Zitting, Joyce Steed, Linda Cox, Rebecca Fischer,
18 Beth Timpson, Daniel Timpson, Samuel Timpson, and Esther White be prohibited from participation in the
19 conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a
20 period of five (5) years; and
21 **4.4** Respondents Allen Mortgage LC, Allen Zitting, Jennifer Zitting, Joyce Steed, Linda Cox, Rebecca Fischer,
22 Beth Timpson, Daniel Timpson, Samuel Timpson, and Esther White jointly and severally pay a fine, which
23 as of the date of these charges, totals \$11,000; and
24 **4.5** Respondents Allen Mortgage LC, Allen Zitting, Jennifer Zitting, Joyce Steed, Linda Cox, Rebecca Fischer,
25 Beth Timpson, Daniel Timpson, Samuel Timpson, and Esther White jointly and severally pay an
investigation fee, which as of the date of these charges totals \$768 calculated at \$48 per hour for the sixteen
(16) staff hours devoted to the investigation; and
4.6 Respondents Allen Mortgage LC, Allen Zitting, Jennifer Zitting, Joyce Steed, Linda Cox, Rebecca Fischer,
Beth Timpson, Daniel Timpson, Samuel Timpson, and Esther White maintain records in compliance with

1 the Act and provide the Department with the location of the books, records and other information relating
2 to Respondent Allen Mortgage LC's mortgage broker business, and the name, address and telephone
number of the individual responsible for maintenance of such records in compliance with the Act.

3 **V. AUTHORITY AND PROCEDURE**

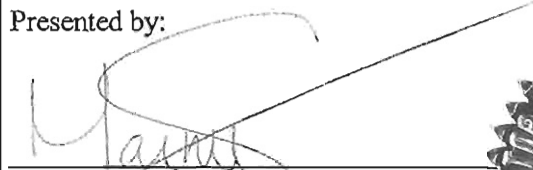
4 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from
5 Industry, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the
6 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject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

10
11 Dated this 27th day of June, 2010.

12
13 

14 DEBORAH BORTNER
15 Director
16 Division of Consumer Services
17 Department of Financial Institutions

18 Presented by:

19 
20 MARNE SHEERAN
21 Financial Legal Examiner



22 Approved by:

23 
24 JAMES R. BRUSSELBACK
25 Enforcement Chief