

ORDER SUMMARY – Case Number: C-10-131-12-FO01

Name(s): Apex Financial LLC
Jonathan Eugene Leslie

Order Number: C-10-131-12-FO01

Effective Date: October 18, 2012

License Number: DFI: 45255 [NMLS: 100675] -Apex
Or NMLS Identifier [U/L] DFI: 37509 [NMLS: 102195] -Leslie

(Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: None

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$48	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$1,500	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
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:			

Comments:

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

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

No.: C-10-131-12-FO01

7 APEX FINANCIAL LLC;
8 JONATHAN EUGENE LESLIE, DESIGNATED
9 BROKER,

FINAL ORDER

Respondent.

10 I. DIRECTOR'S CONSIDERATION

11 A. Default. This matter has come before the Director of the Department of Financial
12 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
13 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On May 13, 2010,
14 the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention
15 to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) against Apex
16 Financial, LLC, and Eugene Jonathan. A copy of the Statement of Charges is attached and
17 incorporated into this order by this reference. On June 18, 2010, the Director, through the Director's
18 designee, issued an Amended Statement of Charges and Notice of Intention to Enter an Order to
19 Impose Fine and Collect Investigation Fee (Amended Statement of Charges) against Apex Financial,
20 LLC, and Jonathan Eugene Leslie (Respondents), which was done for the purpose of correctly
21 identifying Respondent Jonathan Eugene Leslie. A copy of the Amended Statement of Charges is
22 attached and incorporated into this order by this reference. The Amended Statement of Charges was
23 accompanied by a cover letter dated June 18, 2010, a Notice of Opportunity to Defend and
24 Opportunity for Brief Adjudicative Proceeding, and a blank Request for Brief Adjudicative
Proceeding for Respondents (collectively, accompanying documents).

1 On June 18, 2010, the Department sent the Amended Statement of Charges and
2 accompanying documents to Respondents by Federal Express overnight delivery to Respondent's
3 mailing address on record with the Department. On July 2, 2010, the documents sent by Federal
4 Express overnight delivery were returned to the Department as undeliverable.

5 On June 18, 2010, the Department served Respondents with the Amended Statement of
6 Charges and accompanying documents by First-Class mail to Respondent at the mailing address on
7 record with the Department. The documents sent by First-Class mail were not returned to the
8 Department by the United States Postal Service.

9 Respondent did not request an adjudicative hearing within twenty calendar days after the
10 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
11 in WAC 208-08-050(2).

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

- 14 1. Statement of Charges;
- 15 2. Amended Statement of Charges;
- 16 3. Cover letter dated June 18, 2010;
- 17 4. Notice of Opportunity to Defend and Opportunity for Hearing; and
- 18 5. Blank Application for Adjudicative Hearing for Respondents, with documentation
19 for service.

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

22 II. FINAL ORDER

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

1 A. IT IS HEREBY ORDERED, That:

- 2 1. Respondent Apex Financial, LLC, and Respondent Jonathan Eugene Leslie jointly
3 and severally pay a fine of \$1,500.
- 4 2. Respondent Apex Financial, LLC, and Respondent Jonathan Eugene Leslie pay an
5 investigation fee of \$48.
- 6 3. Respondent Apex Financial, LLC, and Respondent Jonathan Eugene Leslie file its
7 2009 mortgage broker annual report of activity.
- 8 4. Respondent Apex Financial, LLC, and Respondent Jonathan Eugene Leslie submit
9 a surrender request through NMLSR and submit a completed departmental closure
10 form.
- 11 5. Respondent Apex Financial, LLC, and Respondent Jonathan Eugene Leslie
 maintain records in compliance with the Act and provide the Director with the
 location of the books, records and other information relating to Respondent Apex
 Financial, LLC'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.

12 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
13 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
14 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
15 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
16 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
17 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
18 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

7 E. Non-compliance with Order. If you do not comply with the terms of this order, the
8 Department may seek its enforcement by the Office of the Attorney General to include the collection
9 of the fine and investigation fee imposed herein. The Department also may assign the amounts owed
10 to a collection agency for collection.

11 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
12 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
13 attached hereto.

14 DATED this 18th day October, 2012



16 STATE OF WASHINGTON
17 DEPARTMENT OF FINANCIAL INSTITUTIONS

18 [Redacted Signature]
19 DEBORAH BORTNER
20 Director
21 Division of Consumer Services

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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:

APEX FINANCIAL LLC;
JONATHAN EUGENE LESLIE, DESIGNATED
BROKER,

Respondents.

NO. C-10-131-10-SC02

AMENDED STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

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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). After having conducted an investigation pursuant to RCW 19.146.235, the Department of Financial Institutions of the State of Washington (Department) issued Statement of Charges C-10-131-10-SC01 on May 13, 2010. Since the issuance of Statement of Charges C-10-131-10-SC01, information came to the attention of the Department that necessitated the amendment of Statement of Charges C-10-131-10-SC01. Based upon the facts available as the date of this Amended Statement of Charges, the Director now proceeds to amend Statement of Charges C-10-131-10-SC01 by issuing an Amended Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee C-10-131-10-SC02 (Amended Statement of Charges). This Amended Statement of Charges includes the following modifications: modification to the caption above; footer; paragraph 1.1 in the Factual Allegations; and paragraphs 4.1 – 4.5 in the Notice of Intention to Enter Order.

I. FACTUAL ALLEGATIONS

1.1 Respondents. Apex Financial LLC was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct

1 alleged. At all times relevant to the Amended Statement of Charges, Jonathan Eugene Leslie was the
2 Designated Broker for the company.

3 **1.2 Failure to File Mortgage Broker Annual Report.** By March 31, 2010, Respondents were required to
4 file an annual report of mortgage broker activity to include the total number of closed loans originated and the
5 total volume of closed loans originated. As of the date of this Amended Statement of Charges Respondents
6 have not filed the 2009 mortgage broker annual report.

7 **1.3 Failure to File Mortgage Broker Closure Form.** Respondents are required to file a completed
8 closure form and submit a surrender request through the NMLSR. As of the date of this Amended Statement of
9 Charges, Respondents have not filed a completed closure form or submitted a surrender request through the
10 NMLSR.

11 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
12 Respondents continues to date.

13 II. GROUNDS FOR ENTRY OF ORDER

14 **2.1 Requirement to File Mortgage Broker Annual Report.** Based on the Factual Allegations set forth in
15 Section I above, Respondents are in apparent violation of RCW 19.146.290(1), WAC 208-660-250(7) and
16 WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

17 **2.2 Requirement to File Mortgage Broker Closure Form.** Based on the Factual Allegations set forth in
18 Section I above, Respondents are in apparent violation of WAC 208-660-163(18) for failing to submit a
19 surrender request through the NMLSR or failing to submit a completed departmental closure form.

20 III. AUTHORITY TO IMPOSE SANCTIONS

21 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
22 licensee or other person subject to the Act for any violations of the Act.

23 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
24 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
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1 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
2 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
3 devoted to the investigation.

4 IV. NOTICE OF INTENTION TO ENTER ORDER

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

- 9 **4.1** Respondents Apex Financial LLC and Jonathan Eugene Leslie jointly and severally pay a fine of
10 \$100 per day beginning April 1, 2010, until the date the 2009 Mortgage Broker Annual Report is
11 filed; and
- 12 **4.2** Respondents Apex Financial LLC and Jonathan Eugene Leslie jointly and severally pay an
13 investigation fee, which as of the date of these charges is \$48 calculated at \$48 per hour for one
14 staff hour devoted to the investigation; and
- 15 **4.3** Respondents Apex Financial LLC and Jonathan Eugene Leslie file the 2009 annual report of
16 mortgage broker activity.
- 17 **4.4** Respondents Apex Financial LLC and Jonathan Eugene Leslie submit a surrender request through
18 NMLSR and submit a completed departmental closure form.
- 19 **4.5** Respondents Apex Financial LLC and Jonathan Eugene Leslie maintain records in compliance
20 with the Act and provide the Department with the location of the books, records and other
21 information relating to Respondent Apex Financial LLC's mortgage broker business, and the
22 name, address and telephone number of the individual responsible for maintenance of such records
23 in compliance with the Act.

24 V. AUTHORITY AND PROCEDURE

25 This Amended Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and
Collect Investigation Fee (Amended Statement of Charges) is entered pursuant to the provisions of
RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions
of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a

1 Brief Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
2 OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Amended Statement of
3 Charges.

4 Dated this 17th day of June, 2010.

5 [Redacted Signature]
6 DEBORAH BORTNER
7 Director
8 Division of Consumer Services
9 Department of Financial Institutions

10 Presented by:

11 [Redacted Signature]
12 DEBORAH PINSONNEAULT
13 Financial Legal Examiner



14 Approved by:

15 [Redacted Signature]
16 JAMES R. BRUSSELBACK
17 Enforcement Chief

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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:

APEX FINANCIAL LLC;
EUGENE JONATHAN, DESIGNATED
BROKER,

Respondents.

NO. C-10-131-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

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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). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as 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. Apex Financial LLC was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged. At all times relevant to the Statement of Charges, Eugene Jonathan was the Designated Broker for the company.

1.2 Failure to File Mortgage Broker Annual Report. By March 31, 2010, Respondents were required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. As of the date of this Statement of Charges Respondents have not filed the 2009 mortgage broker annual report.

1.3 Failure to File Mortgage Broker Closure Form. Respondents are required to file a completed closure form and submit a surrender request through the NMLSR. As of the date of this Statement of Charges, Respondents have not filed a completed closure form or submitted a surrender request through the NMLSR.

1 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
2 Respondents continues to date.

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

4 **2.1 Requirement to File Mortgage Broker Annual Report.** Based on the Factual Allegations set forth in
5 Section I above, Respondents are in apparent violation of RCW 19.146.290(1), WAC 208-660-250(7) and
6 WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

7 **2.2 Requirement to File Mortgage Broker Closure Form.** Based on the Factual Allegations set forth in
8 Section I above, Respondents are in apparent violation of WAC 208-660-163(18) for failing to submit a
9 surrender request through the NMLSR or failing to submit a completed departmental closure form.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
12 licensee or other person subject to the Act for any violations of the Act.

13 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
14 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
15 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
16 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
17 devoted to the investigation.

18 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

23 **4.1** Respondents Apex Financial LLC and Eugene Jonathan jointly and severally pay a fine of \$100
24 per day beginning April 1, 2010, until the date the 2009 Mortgage Broker Annual Report is filed;
and

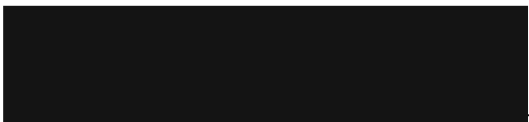
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- 4.2 Respondents Apex Financial LLC and Eugene Jonathan jointly and severally pay an investigation fee, which as of the date of these charges is \$48 calculated at \$48 per hour for one staff hour devoted to the investigation; and
- 4.3 Respondents Apex Financial LLC and Eugene Jonathan file the 2009 annual report of mortgage broker activity.
- 4.4 Respondents Apex Financial LLC and Eugene Jonathan submit a surrender request through NMLSR and submit a completed departmental closure form.
- 4.5 Respondents Apex Financial LLC and Eugene Jonathan maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent Apex Financial LLC'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.

V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a Brief Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

Dated this 13th day of May, 2010.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



FATIMA BATIE
Financial Legal Examiner Supervisor

Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief

