

Terms Completed

ORDER SUMMARY – Case Number: C-10-144

Name(s): Maag Inc
Amy Gannon

Order Number: C-10-144-10-CO01

Effective Date: August 31, 2010

License Number: Maag: DFI: 25330 [NMLS: 121365]
Amy Gannon: DFI 25719 [NMLS: 76227]

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect:

Not Apply Until: n/a

Not Eligible Until:

Prohibition/Ban Until: n/a

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

RECEIVED

JUL 27 2011

1 DEPT. OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

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

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

NO. C-10-144-10-CO01

5 MAAG INC, and
6 AMY GANNON, Designated Broker,
Respondents.

CONSENT ORDER

7 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
8 Deborah Bortner, Division Director, Division of Consumer Services, and MAAG INC (Respondent MAAG), Amy
9 Gannon, Designated Broker (Respondent Gannon) (collectively Respondents), and finding that the issues raised in
10 the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order.

11 This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW
12 34.05.060 of the Administrative Procedure Act, based on the following:

13 **AGREEMENT AND ORDER**

14 The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents
15 have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-144-10-SC01
16 (Statement of Charges), entered May 13, 2010, (copy attached hereto). Pursuant to chapter 19.146 RCW, the
17 Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents
18 hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-
19 captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend
20 this Consent Order to fully resolve the Statement of Charges.

21 Based upon the foregoing:

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

24 CONSENT ORDER
C-10-144-10-CO01
25 MAAG INC and AMY GANNON

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

1 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
 2 before an administrative law judge, and hereby waive their right to a hearing and any and all administrative and
 3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondents,
 4 by their signatures below, withdraw their appeal to the Office of Administrative Hearings.

5 **C. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation
 6 fee of \$48, in the form of a personal check made payable to the "Washington State Treasurer," upon entry of
 7 this Consent Order.

JAG
KG

8 **D. Assurance of Compliance:** Respondent Acknowledges and understands that RCW 19.146.290
 9 and WAC 208-660-400 require that an annual report of mortgage broker activity be provided to the Department
 10 by March 31st of each year. Respondent by the signatures of its representatives below assure that it will fully
 11 comply with these above provisions.

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

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

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

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JUL 29 2011
 ENFORCEMENT UNIT
 DIVISION OF CONSUMER SERVICES
 DEPT OF FINANCIAL INSTITUTIONS

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H. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this

Consent Order in its entirety and fully understand and agree to all of the same.

RESPONDENTS:

MAAG INC

By:

[Handwritten signature of Amy Gannon]

AMY GANNON
Designated Broker

7/21/11
Date

[Handwritten signature of Amy Gannon]

AMY GANNON
Individual

7/21/11
Date

[Handwritten signature of James J. Jameson]

JAMES J. JAMESON, WSBA No. 11996
Attorney at Law
Attorney for Respondents

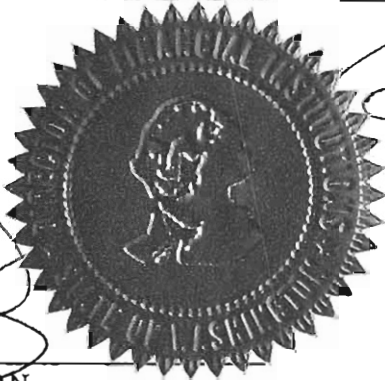
7/25/11
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 31st DAY OF August, 2011⁰⁸

[Handwritten signature of Deborah Bortner]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions



Presented by:

[Handwritten signature of Marnie Sheeran]

MARNIE SHEERAN
Financial Legal Examiner

Approved by:

[Handwritten signature of Fatie Batie]

FATIE BATIE
Financial Legal Examiner Supervisor

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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:

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MAAG INC;
AMY GANNON, DESIGNATED BROKER,

Respondents.

NO. C-10-144-10-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:

I. FACTUAL ALLEGATIONS

1.1 Respondents. Maag Inc 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, Amy Gannon 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.

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

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

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

5 **2.2 Requirement to File Mortgage Broker Closure Form.** Based on the Factual Allegations set forth in
6 Section I above, Respondents are in apparent violation of WAC 208-660-163(18) for failing to submit a
7 surrender request through the NMLSR or failing to submit a completed departmental closure form.

8 **III. AUTHORITY TO IMPOSE SANCTIONS**

9 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
10 licensee or other person subject to the Act for any violations of the Act.

11 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
12 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
13 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
14 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
15 devoted to the investigation.

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

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

- 21 **4.1** Respondents Maag Inc and Amy Gannon jointly and severally pay a fine of \$100 per day
22 beginning April 1, 2010, until the date the 2009 Mortgage Broker Annual Report is filed; and
- 23 **4.2** Respondents Maag Inc and Amy Gannon jointly and severally pay an investigation fee, which as
24 of the date of these charges is \$48 calculated at \$48 per hour for one staff hour devoted to the
25 investigation; and
- 4.3** Respondents Maag Inc and Amy Gannon file the 2009 annual report of mortgage broker activity.


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- 4.4 Respondents Maag Inc and Amy Gannon submit a surrender request through NMLSR and submit a completed departmental closure form.
- 4.5 Respondents Maag Inc and Amy Gannon maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent Maag Inc'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

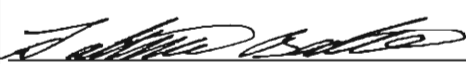
This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The 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

