

Terms Completed

ORDER SUMMARY – Case Number: C-10-147

Name(s): National Guarantee Mortgage LLC
Connie Hollerith

Order Number: C-10-147-12-CO02

Effective Date: August 22, 2012

License Number: DFI: 30745 & 50329 [NMLS: 91632] –National Guarantee
Or NMLS Identifier [U/L] DFI: 30746 [NMLS: 119915] -Hollerith

License Effect: N/A

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: _____

Investigation Costs	\$48	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 8/22/2012
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: _____

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

RECEIVED
AUG 17 2012

CONSUMER SERVICES DIVISION
DEPT OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

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

No.: C-10-147-12-CO02

6 CONSENT ORDER

7 NATIONAL GUARANTEE MORTGAGE, LLC
8 NMLS #: 91632, and
9 CONNIE HOLLERITH
10 NMLS # 119915:

11 Respondents.

12 COMES NOW the Director of the Department of Financial Institutions (Director), through his
13 designee Deborah Bortner, Division Director, Division of Consumer Services, and National
14 Guarantee Mortgage, Inc. (Respondent National Guarantee Mortgage), and Connie Hollerith,
15 Designated Broker (Respondent Hollerith), and finding that the issues raised in the above-captioned
16 matter may be economically and efficiently settled, agree to the entry of this Consent Order. This
17 Consent Order is entered pursuant to chapter 19.146 of the Revised Code of Washington (RCW), and
18 RCW 34.05.060 of the Administrative Procedure Act, based on the following:

19 **AGREEMENT AND ORDER**

20 The Department of Financial Institutions, Division of Consumer Services (Department) and
21 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges
22 No. C-10-147-10-SC01 (Statement of Charges), entered May 3, 2010, (copy attached hereto).
23 Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of
24 the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this
Consent Order and further agree 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 the Statement of Charges and agree that the Respondents do not admit any

CONSENT ORDER
C-10-147-12-CO02
National Guarantee Mortgage, Inc. and
Connie Hollerith

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

1 wrongdoing by its entry. Respondents are 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
5 of the activities discussed herein.

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

11 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the
12 Statement of Charges and agree that Respondents do not admit to any wrongdoing by its entry.

13 **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
14 investigation fee of \$48, in the form of a cashier's check made payable to the "Washington State
15 Treasurer," upon entry of this Consent Order.

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

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

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

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

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1 **RESPONDENTS:**

2 **National Guarantee Mortgage, Inc.**

3 By:

[Redacted]

4 Connie Hollerith
Designated Broker

8/13/12
Date

5 [Redacted]

6 Connie Hollerith
Individually

8/13/12
Date

8 DO NOT WRITE BELOW THIS LINE

9 THIS ORDER ENTERED THIS 22nd DAY OF August, 2012



10 [Redacted]

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

15 Presented by:

[Redacted]

16 ROBERT E. JONES
17 Financial Legal Examiner

18 Approved by:

19 [Redacted]

20 Charles E. Clark
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:

NATIONAL GUARANTEE MORTGAGE LLC;
CONNIE HOLLERITH, DESIGNATED
BROKER,

Respondents.

NO. C-10-147-10-SC01

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

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. National Guarantee Mortgage 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, Connie Hollerith 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 National Guarantee Mortgage LLC and Connie Hollerith jointly and severally pay a
24 fine of \$100 per day beginning April 1, 2010, until the date the 2009 Mortgage Broker Annual
25 Report is filed; and

