

Terms Completed

ORDER SUMMARY – Case Number: C-10-178

Name(s): First Advantage Realty and Finance, Inc., Leslie L. Cheek

Order Number: C-10-178-12-CO01

Effective Date: January 24, 2013

License Number: 4484 (expired)

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: none

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: n/a

Investigation Costs	\$48	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 8/6/2012
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: _____

RECEIVED

JAN 22 2013

Enforcement Unit
Division of Consumer Services
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-10-178-12-CO01

CONSENT ORDER

FIRST ADVANTAGE REALTY AND
FINANCE, INC., and
LESLIE L. CHEEK, Designated Broker,

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, First Advantage Realty and Finance, Inc. (Respondent First Advantage), and Leslie L. Cheek (Respondent Cheek), 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 the 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 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-178-10-SC01 (Statement of Charges), entered May 13, 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, 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.

1 Based upon the foregoing:

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

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

9 C. **Mortgage Broker License Expired.** It is AGREED that Respondent First Advantage's
10 mortgage broker license expired effective December 31, 2009, and Respondent First Advantage does
11 not currently hold a mortgage broker license.

12 D. **Mortgage Broker Activity.** It is AGREED that Respondent First Advantage stated it did
13 not broker any residential mortgage loans secured by Washington real estate following the expiration
14 of its mortgage broker license.

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

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

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

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

3 **RESPONDENTS:**

4 **First Advantage Realty and Finance, Inc.**

5 By: [REDACTED]

6 [REDACTED]
7 **LESLIE L. CHEEK**
8 Designated Broker

Date 01/14/2013

9 DO NOT WRITE BELOW THIS LINE

10 THIS ORDER ENTERED THIS 2nd DAY OF January, 2013



11 [REDACTED]
12 [REDACTED]
13 **DEBORAH BORTNER**
14 Director
15 Division of Consumer Services
16 Department of Financial Institutions

17 Presented by:

18 [REDACTED]
19 **KENNETH J. SUGIMOTO**
20 Financial Legal Examiner

21 Approved by:

22 [REDACTED]
23 **CHARLES E. CLARK**
24 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:

FIRST ADVANTAGE REALTY AND
FINANCE INC;
LESLIE LEE CHEEK, DESIGNATED
BROKER,

Respondents.

NO. C-10-178-10-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. First Advantage Realty and Finance 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, Leslie Lee Cheek 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 First Advantage Realty and Finance Inc and Leslie Lee Cheek jointly and severally
24 pay a fine of \$100 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 First Advantage Realty and Finance Inc and Leslie Lee Cheek 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 First Advantage Realty and Finance Inc and Leslie Lee Cheek file the 2009 annual report of mortgage broker activity.
- 4.4 Respondents First Advantage Realty and Finance Inc and Leslie Lee Cheek submit a surrender request through NMLSR and submit a completed departmental closure form.
- 4.5 Respondents First Advantage Realty and Finance Inc and Leslie Lee Cheek maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent First Advantage Realty and Finance 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

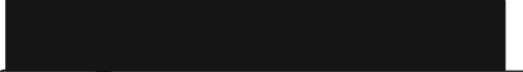
This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The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

