

1
2
3
4
5
6
7
8

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE MATTER OF INVESTIGATING:
The Mortgage Loan Originator License
Application under the Consumer Loan Act of
Washington by:

No.: C-10-260-11-FO01

FINAL ORDER

HEIDI RENEE f/k/a HEIDI RENEE HARRIS,

Respondent.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of
Financial Institutions of the State of Washington (Director), pursuant to RCW 34.05.440(2). On
August 2, 2010, the Director, through the Director's designee, Consumer Services Division Director
Deborah Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Deny
License Application (Statement of Charges) against Heidi Renee f/k/a Heidi Renee Harris
(Respondent). A copy of the Statement of Charges is attached and incorporated into this order by this
reference. The Statement of Charges was accompanied by a cover letter dated August 3, 2010, a
Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for
Adjudicative Hearing for Respondent (collectively, accompanying documents).

On August 3, 2010, the Department served Respondent with the Statement of Charges and
accompanying documents by First-Class mail and Federal Express overnight delivery. On August 4,
2010, the documents sent by Federal Express overnight delivery were delivered. The documents sent
by First-Class mail were not returned to the Department by the United States Postal Service.

On August 24, 2010, Respondent filed an Application for Adjudicative Hearing. On August 24,
2010, the Department made a request to the Office of Administrative Hearings (OAH) to assign an

1 Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. On
2 September 30, 2010, ALJ Thomas P. Rack (ALR Rack) issued a Notice of Telephone Prehearing
3 Conference, scheduling a prehearing conference on Thursday, October 7, 2010, at 1:30 p.m. That Notice
4 contained the following instruction to the parties: "Please call ten (10) minutes prior to the above-
5 scheduled time locally at (360)753-7328 or toll free 1-800-843-7712." That Notice also stated, "Parties
6 who fail to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in
7 default in accordance with chapter 34.05 RCW, RCW 31.05.440." A copy of the Notice was mailed to
8 Respondent at the address provided on her Application for Administrative Hearing.

9 On October 5, 2010, ALJ Rack issued an Order Granting Continuance and Amended Notice of
10 Prehearing Conference by Telephone, rescheduling the prehearing conference for Tuesday, October 25,
11 2010, at 1:00 p.m., on the Department's motion for a continuance due to unavailability of the Assistant
12 Attorney General. That Order stated that "parties who fail to attend or participate in a hearing or other
13 stage of an adjudicative proceeding may be held in default in accordance with chapter 34.05 RCW,
14 RCW 31.05.440." A copy of the Order was mailed to Respondent at the address provided on her
15 Application for Administrative Hearing.

16 On October 25, 2010, the prehearing conference was convened by ALJ Rack at 1:00 p.m.
17 Respondent failed to attend the telephonic prehearing conference and did not otherwise appear or
18 contact OAH. The Department moved for an order of default based on Respondent's failure to
19 appear. On October 28, 2010, ALJ Rack issued an Order of Default dismissing Respondent's appeal
20 of the Statement of Charges. On October 28, 2010, OAH sent the Order of Default to the address in
21 Respondent's Applications for Adjudicative Hearing.

22 Pursuant to RCW 34.05.440(3), Respondent had seven days from the date of service of the
23 Order of Default to file a written motion with OAH requesting that the Order of Default be vacated,

1 and stating the grounds relied upon. Respondent did not make a request to vacate during the statutory
2 period. Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had 20 days from the date of
3 service of the Order of Default to file a Petition for Review of the Order of Default with the Director.
4 Respondent did not file a Petition for Review during the statutory period.

5 Record Presented. The record presented to the Director for his review and for entry of a
6 final decision included the following:

- 7 1. Statement of Charges, cover letter dated August 3, 2010, Notice of Opportunity to
8 Defend and Opportunity for Hearing, and blank Application for Adjudicative
9 Hearing for Respondent, with documentation for service;
- 10 2. Application for Adjudicative Hearing for Respondent;
- 11 3. Request to OAH for Assignment of Administrative Law Judge;
- 12 4. Notice of Telephone Prehearing Conference dated September 30, 2010, with
13 documentation of service;
- 14 5. Order Granting Continuance and Amended Notice of Prehearing Conference by
15 Telephone dated October 5, 2010, with documentation of service;
- 16 6. Order of Default dated October 28, 2010, with documentation of service.

17 B. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(2), the Director
18 hereby adopts the Statement of Charges, which is attached hereto.

19 II. FINAL ORDER

20 Based upon the foregoing, and the Director having considered the record and being otherwise
21 fully advised, NOW, THEREFORE:

22 A. IT IS HEREBY ORDERED, That:

- 23 1. Respondent Heidi Renee f/k/a Heidi Renee Harris's application for a license to
24 conduct the business of a mortgage loan originator is denied.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
2 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
3 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
4 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
5 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
6 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
7 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

14 D. Judicial Review. Respondent has the right to petition the superior court for judicial
15 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
16 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

17 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
18 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
19 attached hereto.

20 ///

21 ///

22 ///

23 ///

24 ///

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

DATED this 27th day of December, 2011



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



SCOTT JARVIS
Director

1
2
3
4
5
6
7
8

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

IN THE MATTER OF INVESTIGATING
the Mortgage Loan Originator License
Application under the Consumer Loan Act of
Washington by:

HEIDI RENEE, f/k/a HEIDI RENEE HARRIS,

Respondent.

NO. C-10-260-10-SC01

STATEMENT OF CHARGES and NOTICE
OF INTENTION TO ENTER AN ORDER TO
DENY LICENSE APPLICATION

9
10
11
12
13
14

INTRODUCTION

Pursuant to RCW 31.04.165 and RCW 31.04.168, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act)¹. After having conducted an investigation pursuant to RCW 31.04.055 and 31.04.145, 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:

15
16
17
18
19
20

I. FACTUAL ALLEGATIONS

1.1 Heidi Renee f/k/a Heidi Renee Harris (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a mortgage loan originator license under Guild Mortgage Company, a consumer loan company licensed under the Act. The application was submitted via the Nationwide Mortgage Licensing System (NMLS) and received by the Department on or about May 13, 2010.

1.2 Prior Criminal Acts. On or about June 3, 2005, the Respondent was convicted of [REDACTED] a Class C Felony, in the Superior Court of Washington for King County, Case No. 04-1-03260-8-SEA.

1.3 Character and General Fitness. Respondent has not demonstrated character and general fitness as evidenced by Respondent's criminal conviction outlined in Paragraph 1.2.

25

¹ RCW 31.04 (Amended 2009; Effective January 1, 2010)

1
2
3
4
5
6
7
8
9
10
11
12
13

II. GROUNDS FOR ENTRY OF ORDER

2.1 **Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 31.04.247(1)(d) and WAC 208-620-710(4)(c) by having been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony within seven years preceding the filing of the present application; or at any time preceding the date of this application by having been convicted of or having pled guilty or nolo contendere to, a felony involving an act of fraud, dishonesty, breach of trust, or money laundering.

2.2 **Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 31.04.247(1)(e) and WAC 208-620-710(4)(a) by failing to demonstrate character and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of the Act.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 **Authority to Deny Application for Loan Originator License.** Pursuant to RCW 31.04.247(2), the Director may deny licenses to applicants. Pursuant to RCW 31.04.247(2), the Director shall not issue a license if the conditions of RCW 31.04.247(1) have not been met by the applicant, and shall notify the applicant of the denial.

IV. NOTICE OF INTENTION TO ENTER ORDER

Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis for the entry of an Order under RCW 31.04.055, RCW 31.04.093, RCW 31.04.165, RCW 31.04.168 and 31.04.247. Therefore, it is the Director's intention to ORDER that:

4.1 Respondent Heidi Renee f/k/a Heidi Renee Harris's application for a mortgage loan originator license be denied.

1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
3 (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165,
4 RCW 31.04.168, and RCW 31.04.202, and is subject to the provisions of chapter 34.05 RCW (The
5 Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in the
6 NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
7 Statement of Charges.

8 Dated this 2nd day of August, 2010.



Director
Division of Consumer Services
Department of Financial Institutions

13 Presented by:



16 WILLIAM HALSTEAD
17 Financial Legal Examiner

18 Approved by:



21 FATIMA BATIE
22 Financial Legal Examiner Supervisor

23 Approved by:



25 JAMES R. BRUSSELBACK
Enforcement Chief