

Terms Completed

FINAL ORDER SUMMARY – Case Number: C-10-378-11-FO01

Name(s): Orison Swett Acevedo

Order Number: C-10-378-11-FO01

Effective Date: October 17, 2011

License Number: 36991
 (Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: Application for MLO denied

Not Apply Until: n/a

Prohibition/Ban Until: n/a

Investigation Costs	\$n/a	Due	Paid Y N	Date
Fine	\$n/a	Due	Paid Y N	Date
Assessment(s)	\$n/a	Due	Paid Y N	Date
Restitution	\$	Due	Paid Y N	Date
	No. of Victims:	n/a		

Other: _____

Special Instructions: _____

Distribution: Original to Enforcement File
 Copy to Licensing Supervisor with Licensing File and copy of Final Order
 Information to Database(s) – Branch, Individual, Contact Person

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

4 IN THE MATTER OF INVESTIGATING:
5 The loan originator license application under the
6 Consumer Loan Act of Washington by:

No.: C-10-378-11-FO01

FINAL ORDER

7 ORISON ACEVEDO,

Respondent.

8 I. DIRECTOR'S CONSIDERATION

9 A. Default. This matter has come before the Director of the Department of Financial
10 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
11 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On September 12,
12 2011, the Director, through the Director's designee, Division of Consumer Services Director Deborah
13 Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Deny License
14 Application (Statement of Charges) against Orison Acevedo (Respondent). A copy of the Statement
15 of Charges is attached and incorporated into this order by this reference. The Statement of Charges
16 was accompanied by a cover letter dated September 13, 2011, a Notice of Opportunity to Defend and
17 Opportunity for Brief Adjudicative Proceeding, and a blank Request for Brief Adjudicative
18 Proceeding for Respondent (collectively, accompanying documents).

19 On September 13, 2011, the Department served Respondent with the Statement of Charges
20 and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On
21 September 15, 2011, the documents sent via Federal Express overnight delivery were delivered and
22 signed for by O. Acevedo. The documents sent via First-Class mail were not returned to the
23 Department by the United States Postal Service as undeliverable.

1 Respondent did not request a brief adjudicative proceeding within 20 calendar days after the
2 Department served the Notice of Opportunity to Defend and Opportunity for Brief Adjudicative
3 Proceeding, as provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the Statement of Charges, cover letter dated September 13,
6 2011, Notice of Opportunity to Defend and Opportunity for Brief Adjudicative Proceeding, and blank
7 Request for Brief Adjudicative Proceeding for Respondent, with documentation of service.

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

10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

14 Respondent Orison Acevedo's application for a license to conduct the business of a
15 loan originator is denied.

16 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
17 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
18 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
19 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
20 Washington 98504-1200, within ten days of service of the Final Order upon Respondent. The
21 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
22 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

13 DATED this 17th day of October, 2011



16 STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

17 [REDACTED]
18 DEBORAH BORTNER
19 Director
20 Division of Consumer Services

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

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

ORISON S. ACEVEDO,
Respondent.

No.: C-10-378-11-SC01

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

INTRODUCTION

Pursuant to RCW 31.04.093 and RCW 31.04.165, 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). After having conducted an investigation pursuant to RCW 31.04.247, 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:

I. FACTUAL ALLEGATIONS

1.1 Orison S. Acevedo (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a mortgage loan originator license under Pinnacle Capital Mortgage Corp., a consumer loan company licensed under the Act. The license application was received by the Department, through the Nationwide Mortgage Licensing System and Registry, on or about July 1, 2010.

1.2 Prior Criminal Convictions. On or about May 1, 1996, Respondent plead guilty to the following violations of the Uniform Code of Military Justice:

Article 80 – 1 count
Article 81 – 1 count
Article 108 – 4 counts
Article 121 – 4 counts

1 Article 134 – 2 counts

2 At least eight of these crimes are felony crimes of dishonesty involving theft, trafficking in
3 stolen property, receipt of stolen property, conspiracy, and solicitation.

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

5 **2.1 Requirement of No Prior Criminal Convictions.** Based on the Factual Allegations set forth
6 in Section I above, Respondent fails to meet the requirements of RCW 31.04.247(1)(d) and WAC
7 208-620-710(4)(c) by having been convicted of, or having pled guilty or nolo contendere to, a felony
8 in a domestic, foreign, or military court: (i) during the seven-year period preceding the date of the
9 application for licensing and registration; or (ii) at any time preceding the date of application, if the
10 felony involved an act of fraud, dishonesty, breach of trust, or money laundering.

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Deny Application for Mortgage Loan Originator License.** Pursuant to RCW
13 31.04.093(2), the Director may deny applications for licenses. Pursuant to RCW 31.04.247(2), the
14 Director shall not issue a mortgage loan originator license if the director finds the conditions of RCW
15 31.04.247 have not been met.

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

17 **4.1** Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
18 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
19 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, RCW
20 31.04.205, and RCW 31.04.247. Therefore, it is the Director's intention to ORDER that:
21 Respondent Orison S. Acevedo'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
3 Application (Statement of Charges) is issued pursuant to the provisions of RCW 31.04.093, RCW
4 31.04.165, RCW 31.04.202, and RCW 31.04.205, and is subject to the provisions of chapter 34.05
5 RCW, the Administrative Procedure Act. Respondent may make a written request for a Brief
6 Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
7 OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Statement of
8 Charges.

9
10 Dated this 12th day of September, 2011



11 [Redacted signature]

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

17 Presented by:
18 [Redacted signature]

19 STEVEN C. SHERMAN
20 Financial Legal Examiner

21 Approved by:
22 [Redacted signature]

23 JAMES R. BRUSSELBACK
24 Enforcement Chief