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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:

BIG LEAGUE MODS and
BRETT MERRIMAN,

Respondents.

No.: C-10-389-11-FO01

FINAL ORDER

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I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On May 19, 2011, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) against Big League Mods and Brett Merriman (Respondents). 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 May 27, 2011, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On May 27, 2011, the Department served Respondents with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On May 31, 2011, the documents sent via Federal Express overnight delivery were delivered. The documents sent via First-Class mail were not returned to the Department by the United States Postal Service as undeliverable.

1 Respondents did not request an adjudicative hearing within 20 calendar days after the
2 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
3 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 May 27, 2011,
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for each 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 1. Respondents Big League Mods and Brett Merriman are prohibited from
15 participation in the conduct of the affairs of any mortgage broker subject to
licensure by the Director, in any manner, for a period of five years.
- 16 2. Respondents Big League Mods and Brett Merriman jointly and severally pay a
17 fine of \$5,000.
- 18 3. Respondents Big League Mods and Brett Merriman jointly and severally pay
\$2,250 in restitution to borrower Z.H.
- 19 4. Respondents Big League Mods and Brett Merriman jointly and severally pay an
20 investigation fee of \$672.
- 21 5. Respondents Big League Mods and Brett Merriman, its officers, employees, and
22 agents maintain records in compliance with chapter 19.146 RCW, the Mortgage
23 Broker Practices Act (Act) and provide the Director with the location of the books,
records and other information relating to Respondents' mortgage broker business,
and the name, address, and telephone number of the individual responsible for
maintenance of such records in compliance with the Act.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have 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 Respondents. 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.

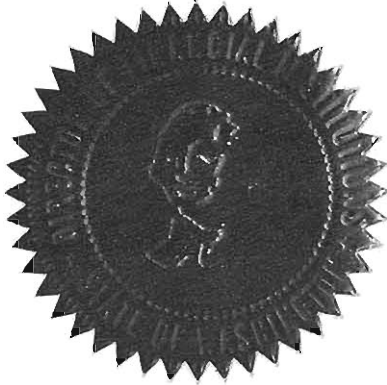
11 C. Stay of Order. The Director's designee has determined not to consider a Petition to
12 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
13 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

14 D. Judicial Review. Respondents have 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. Non-compliance with Order. If you do not comply with the terms of this order, the
18 Department may seek its enforcement by the Office of the Attorney General to include the collection
19 of the fine, fee, and restitution imposed herein. The Department also may assign the amounts owed
20 to a collection agency for collection.

21 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
22 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
23 attached hereto.

1 DATED this 13th day of September, 2011



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STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

A handwritten signature in cursive script, appearing to read "Deborah Bortner", is written over a horizontal line.

DEBORAH BORTNER
Director
Division of Consumer Services

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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:

BIG LEAGUE MODS and
BRETT MERRIMAN,
Owner,

Respondents.

NO. C-10-389-11-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO PROHIBIT FROM
INDUSTRY, IMPOSE FINE, ORDER
RESTITUTION, 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)¹. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of these 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.

A. Big League Mods has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker. Respondent Big League Mods is alleged to have conducted business as a mortgage broker from a location in Gilbert, Arizona.

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¹ RCW 19.146 (2006)
STATEMENT OF CHARGES
C-10-389-11-SC01
Big League Mods
Brett Merriman

1 19.146.0201(2) and (3) for engaging in the business of a mortgage broker for Washington residents or
2 property without first obtaining a license to do so.

3 III. AUTHORITY TO IMPOSE SANCTIONS

4 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director
5 may issue orders removing from office or prohibiting from participation in the conduct of the affairs
6 of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any
7 licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW
8 19.146.200.

9 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), the Director may impose a
10 fine for failing to comply with a subpoena of the Director or for any other violation of the Act.

11 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(e), the Director may issue
12 orders directing a licensee or other person subject to the Act to pay restitution for any violation of the
13 Act

14 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-
15 660-550, the Department may collect the costs of investigation. The investigation charge will be
16 calculated at the rate of \$48 per hour that each examiner devoted to the investigation.

17 IV. NOTICE OF INTENTION TO ENTER ORDER

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

22 **4.1** Respondents Big League Mods and Brett Merriman be prohibited from participation in
23 the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any
manner, for a period of five years;

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4.2 Respondents Big League Mods and Brett Merriman jointly and severally pay a fine which as of the date of these charges totals \$5,000;

4.3 Respondents Big League Mods and Brett Merriman jointly and severally pay an investigation fee which as of the date of these charges totals \$672, calculated at \$48 per hour for the 14 examiner hours devoted to the investigation to date;

4.4 Respondents Big League Mods and Brett Merriman jointly and severally pay restitution to borrower Z.H. in the amount of \$2,250; and

4.5 Respondents Big League Mods and Brett Merriman maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

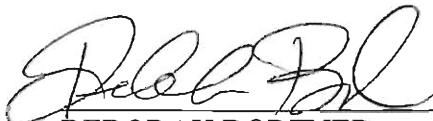
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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from
3 Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) is
4 entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and
5 RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative
6 Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE
7 OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
8 Statement of Charges.

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10 Dated this 19th day of May, 2011.



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

17 Presented by:

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19 STEVEN C. SHERMAN
20 Financial Legal Examiner

21 Approved by:

22 

23 JAMES R. BRUSSELBACK
24 Enforcement Chief