

ORDER SUMMARY – Case Number: C-12-0902

Name(s): Christopher Minh Tran

Order Number: C-12-0902-12-FO01

Effective Date: March 23, 2012

License Number: DFI - #53492
NMLS - #250082

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: Application Denied

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: November 18, 2018

Investigation Costs	\$	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
No. of Victims:		0		

Comments: _____

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

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

No.: C-12-0902-12-FO01

FINAL ORDER

CHRISTOPHER MINH TRAN ,

Respondent.

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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 February 15, 2012, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (Statement of Charges) against Christopher Minh Tran (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 February 16, 2012, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On February 16, 2012, the Department sent Respondent the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On February 20, 2012, 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.

1 Respondent did not request an adjudicative hearing within twenty 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 following: Statement of Charges, cover letter dated February
6 16, 2012, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Respondent, with documentation for 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. Respondent Christopher Minh Tran's application for a license to conduct the
15 business of a mortgage loan originator is denied.
- 16 2. Respondent Christopher Minh Tran is prohibited from participation in the conduct
17 of the affairs of any mortgage loan originator subject to licensure by the Director
under chapter 31.04 RCW and chapter 19.146 RCW, in any manner, through
November 18, 2018.

18 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
19 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
20 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
21 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
22 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
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1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
2 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

15 DATED this 23rd day of March, 2012



17 STATE OF WASHINGTON
18 DEPARTMENT OF FINANCIAL INSTITUTIONS

19 [REDACTED]
20 DEBORAH BORTNER
21 Director
22 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
Mortgage Loan Originator License Application
under the Consumer Loan Act of Washington of:

CHRISTOPHER MINH TRAN ,

Respondent.

No.: C-12-0902-12-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO DENY LICENSE
APPLICATION AND PROHIBIT FROM
INDUSTRY

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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:

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I. FACTUAL ALLEGATIONS

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1.1 Christopher Minh Tran (Respondent) was approved by the Department of Financial
Institutions of the State of Washington (Department) for a mortgage loan originator license under
Network Capital Funding Corporation, a consumer loan company licensed under the Act, on or about
March 25, 2010, and continues to be licensed to date. Respondent submitted an application to the
Department for a mortgage loan originator license renewal, received by the Department through the
Nationwide Mortgage Licensing System and Registry, on or about November 18, 2011.

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

1 **1.2 Prior Criminal Acts.** On or about May 23, 2011, in the Superior Court of California, County
2 of Orange, a felony complaint was filed alleging that Respondent violated Cal. Health & Safety Code
3 § 11377, possession of a controlled substance, a felony. On or about July 25, 2011, Respondent pled
4 guilty to this offense.

5 **1.3 Responses to Application Questions.** The “Criminal Disclosure” section of the Uniform
6 Individual Mortgage License/Registration & Consent form (Form MU4) consists of eight questions.
7 The required New Application Checklist includes the following instruction: “If the answer to any of
8 the following is "YES", provide complete details of all events or proceedings and send to the
9 jurisdictions where you are licensed/registered or requesting licensure/registration.” Respondent
10 answered “no” to the following questions on the “Criminal Disclosure” section of his form MU4:

- 11 • (1) Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a
12 domestic, foreign, or military court to any felony?
- 13 • (2) Are there pending charges against you for any felony?

14 Respondent was obligated by statute to answer questions on the Form MU4 truthfully and to provide
15 the Department with complete details of all events or proceedings. Respondent attested, under
16 penalty of perjury, to the accuracy and completeness of the Form MU4.

17 **1.4 Character and General Fitness.** Respondent has not demonstrated character and general
18 fitness as evidenced by Respondent’s failure to disclose either the pending felony charge or the guilty
19 plea on his form MU4.

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

21 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section
22 I above, Respondent fails to meet the requirements of RCW 31.04.247(1)(d)(i) and WAC 208-620-
23 710(4)(c)(i) by having pled guilty to a felony within seven years preceding the filing of the present
24 application.

1 **2.2 Requirement to Demonstrate Character and General Fitness.** Based on the Factual
2 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW
3 31.04.247(1)(e) and WAC 208-620-710(4)(a) by failing to demonstrate character and general fitness
4 such as to command the confidence of the community and to warrant a belief that the business will be
5 operated honestly, fairly, and efficiently within the purposes of the Act.

6 **2.3 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above,
7 Respondent is in apparent violation of RCW 31.04.241(2) and WAC 208-620-550(5) for not
8 furnishing information pertaining to personal history and experience in a form prescribed by the
9 Nationwide Mortgage Licensing System and Registry.

10 **2.4 Requirement to Provide Information on License Application.** Based on the Factual
11 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW
12 31.04.234 and 31.04.241(2) by failing to provide an accurate license application in the form
13 prescribed by the Director.

14 III. AUTHORITY TO IMPOSE SANCTIONS

15 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW
16 31.04.247(2), the Director may deny licenses to applicants. Pursuant to RCW 31.04.247(2), the
17 Director shall not issue a license if the conditions of RCW 31.04.247(1) have not been met by the
18 applicant, and shall notify the applicant of the denial.

19 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 31.04.093(6), the Director may
20 issue orders removing from office or prohibiting from participation in the conduct of the affairs of
21 any licensee, or both, any officer, principal, employee, or loan originator of any person subject to this
22 chapter for false statements or omission of material information from an application for a license that,
23 if known, would have allowed the director to deny the original application for a license.

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

2 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
3 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
4 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.055, RCW 31.04.093, RCW
5 31.04.165, RCW 31.04.168, and RCW 31.04.247. Therefore, it is the Director's intention to ORDER
6 that:

7 **4.1** Respondent Christopher Minh Tran's application for a mortgage loan originator
8 license be denied.

9 **4.2** Respondent Christopher Minh Tran be prohibited from participation in the conduct of
10 the affairs of any mortgage loan originator subject to licensure by the Director under
chapter 31.04 RCW and chapter 19.146 RCW, in any manner, through November 18,
2018.

11 **V. AUTHORITY AND PROCEDURE**

12 This Statement of Charges and Notice of Intention to Enter an Order to Deny License
13 Application and Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions
14 of RCW 31.04.093, RCW 31.04.165, RCW 31.04.168, and RCW 31.04.202, and is subject to the
15 provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a
16 written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
17 OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

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19 Dated this 15th day of February, 2012



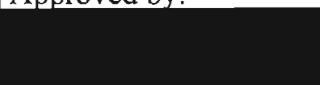

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21 **DEBORAH BORTNER**
22 Director
23 Division of Consumer Services
Department of Financial Institutions

1 Presented by: 
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3 KENNETH J. SUGIMOTO
4 Financial Legal Examiner

5 Approved by:
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8 FATIMA BATIE
9 Financial Legal Examiner Supervisor

10 Approved by:
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12 

13 JAMES R. BRUSSELBACK
14 Enforcement Chief

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