

## Terms Completed

### ORDER SUMMARY – Case Number: C-16-1887

**Name:** Gregory Alexander Posada

**Order Number:** C-16-1887-16-CO01

**Effective Date:** December 19, 2016

**License Number:** \_\_\_\_\_  
**Or NMLS Identifier [U/L]** \_\_\_\_\_

**License Effect:** Surrendered

**Not Apply Until:** \_\_\_\_\_

**Not Eligible Until:** \_\_\_\_\_

**Prohibition/Ban Until:** \_\_\_\_\_

<b>Investigation Costs</b>	\$531.37	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$1,000.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** \_\_\_\_\_

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

3           **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a  
4 hearing before an administrative law judge, and hereby waives his right to a hearing and any and all  
5 administrative and judicial review of the issues raised in this matter, or of the resolution reached  
6 herein. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of  
7 Administrative Hearings.

8           **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the  
9 Statement of Charges and agree that Respondent does not admit to any wrongdoing by its entry.

10          **D. Mortgage Loan Originator License Surrender.** It is AGREED that Respondent's  
11 Mortgage Loan Originator license is surrendered.

12          **E. Fine.** It is AGREED that Respondent shall pay a fine to the Department in the amount of  
13 \$1,000.00, in the form of a cashier's check made payable to the "Washington State Treasurer," upon  
14 entry of this Consent Order.

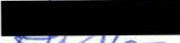
15          **F. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an  
16 investigation fee of \$531.37, in the form of a cashier's check made payable to the "Washington State  
17 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together  
18 in one \$1,531.37 cashier's check made payable to the "Washington State Treasurer."

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

1 H. **Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this  
2 Consent Order, which is effective when signed by the Acting Director's designee.

3 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read  
4 this Consent Order in its entirety and fully understands and agrees to all of the same.

5 **RESPONDENT:**  
6 **GREGORY ALEXANDER POSADA**


7   
8 Gregory Alexander Posada  
Individually

12/16/16  
Date

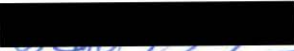
9 DO NOT WRITE BELOW THIS LINE

10 THIS ORDER ENTERED THIS 19<sup>th</sup> DAY OF December, 2016.




11   
12 CHARLES E. CLARK  
13 Director  
14 Division of Consumer Services  
15 Department of Financial Institutions

16 Presented by:

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18 ROBERT E. JONES  
Financial Legal Examiner

19 Approved by:

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21 STEVEN C. SHERMAN  
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  
Consumer Loan Act of Washington by:

GREGORY ALEXANDER POSADA,  
NMLS ID# 1212080

Respondent.

No. C-16-1887-16-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO REVOKE LICENSE, COLLECT  
INVESTIGATION FEE, AND RECOVER  
COSTS AND EXPENSES

**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 31.04.145, 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 Charles E. Clark, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Gregory Alexander Posada (Respondent Posada)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage loan originator on or about October 27, 2014, and continues to be licensed to date.

**1.2 Testing and Education Investigation.** Respondent Posada took the West Virginia State Component of the SAFE MLO test on or about December 23, 2015. During that test, Respondent Posada was alleged to have accessed study notes in violation of the test rules. The Mortgage Testing and Education Board investigated the allegations and determined that Respondent Posada violated the Rules of Conduct for test takers on or about February 11, 2016.

1 **1.3 Failure to Comply with Reporting Requirements.** Respondent Posada did not notify the  
2 Director through the Nationwide Mortgage Licensing System (NMLS) of changes to the answers to  
3 any of the NMLS disclosure questions within ten days of the determination by the Mortgage Testing  
4 and Education Board. As of the date of this Statement of Charges, Respondent Posada has not  
5 notified the Director through amendments to NMLS.

6 **1.4 Character and General Fitness.** Respondent Posada does not demonstrate character and  
7 general fitness as evidenced by Respondent Posada's violation of the code of conduct for test takers  
8 and Respondent Posada's failure to disclose the violation to the Department.

9 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the  
10 Act by Respondent continues to date.

## 11 **II. GROUNDS FOR ENTRY OF ORDER**

### 12 **2.1 Requirement to Demonstrate Financial Responsibility, Character, and General Fitness.**

13 Based on the Factual Allegations set forth in Section I above, Respondent Posada fails to meet the  
14 requirements of RCW 31.04.247(1)(e) and WAC 208-620-710(4)(a) by failing to demonstrate  
15 character and general fitness such as to command the confidence of the community and to warrant a  
16 belief that Respondent Posada will conduct business honestly, and fairly within the purposes of the  
17 Act.

### 18 **2.2 Requirement to Notify the Department of Changes to Disclosure Question Responses.**

19 Based on the Factual Allegations set forth in Section I above, Respondent Posada violated RCW  
20 31.04.234 and WAC 208-620-710(27)(e) by failing to notify the Department through the NMLS  
21 within ten business days of a change of answers to the NMLS generated disclosure questions.

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1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(b) and (c), the Director may  
3 revoke a license for violating any provision of the Act or the rules adopted thereunder or if a fact or  
4 condition exists that, if it had existed at the time of the original application for the license, clearly  
5 would have allowed the director to deny the application for the original license.

6 **3.2 Authority to Charge Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-  
7 590, every licensee examined or investigated by the Director or the Director’s designee shall pay for  
8 the cost of the examination or investigation, calculated at the rate of \$69.01 per staff hour devoted to  
9 the examination or investigation, and shall pay travel costs if the licensee maintains its records  
10 outside the state.

11 **3.3 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2), the Director  
12 may recover the state’s costs and expenses for prosecuting violations of the Act.

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

14 Respondent’s violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,  
15 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
16 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and  
17 RCW 31.04.205. Therefore, it is the Director’s intention to ORDER that:

- 18 **4.1** Respondent Gregory Alexander Posada’s license to conduct the business of a  
19 mortgage loan originator be revoked.
- 20 **4.2** Respondent Gregory Alexander Posada pay an investigation fee. As of the date of this  
21 Statement of Charges, the investigation fee totals \$531.37
- 22 **4.3** Respondent Gregory Alexander Posada pay the Department’s costs and expenses  
23 for prosecuting violations of the Act in an amount to be determined at hearing or by  
24 declaration with supporting documentation in event of default by Respondent.


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1 **V. AUTHORITY AND PROCEDURE**


2 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License,  
3 Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) is entered  
4 pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202, and RCW  
5 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure  
6 Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF  
7 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this  
8 Statement of Charges.

9 Dated this 25<sup>th</sup> day of October, 2016.

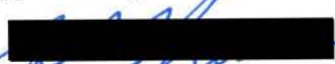


10   
11 CHARLES E. CLARK  
12 Director  
13 Division of Consumer Services  
14 Department of Financial Institutions

13 Presented by:

14   
15 ROBERT E. JONES  
16 Financial Legal Examiner

17 Approved by:

18   
19 STEVEN C. SHERMAN  
20 Enforcement Chief