

ORDER SUMMARY – Case Number: C-17-2282-18-FO03

Name(s): Brian Ofsie

Order Number: C-17-2282-18-FO03

Effective Date: 01/23/18

License Number: NMLS ID: 3377
Or NMLS Identifier [U/L] _____

License Effect:

Not Apply Until:

Not Eligible Until:

Prohibition/Ban Until: 5 years

| | | | | |
|--|---------|---|--|------|
| Investigation Costs | \$1,500 | Due | Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Date |
| | | | | |
| Fine | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
| | | | | |
| Assessment(s) | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
| | | | | |
| Restitution | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
| | | | | |
| Judgment | \$ | Due | Paid <input type="checkbox"/> Y <input type="checkbox"/> N | Date |
| | | | | |
| Satisfaction of Judgment Filed? | | <input type="checkbox"/> Y <input type="checkbox"/> N | | |
| No. of Victims: | | | | |

Comments:

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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
Consumer Loan Act of Washington by:

No.: C-17-2282-18-FO03

VANGUARD FUNDING, LLC,
MATTHEW VOSS, Owner and Chief Operating
Officer, and
BRIAN OFSIE, Owner and President,

FINAL ORDER RE:
BRIAN OFSIE

Respondents.

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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 Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On October 13, 2017, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) against Brian Ofsie (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 November 3, 2017, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On November 3, 2017, the Department served Respondent with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On November 6, 2017, 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 his review and
5 for entry of a final decision included the following:

6 Statement of Charges, cover letter dated October 16, 2017, Notice of Opportunity
7 to Defend and Opportunity for Hearing, and blank Application for Adjudicative
Hearing 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 1. Respondent Brian Ofsie is prohibited from participation in the conduct of the
15 affairs of any consumer loan company subject to licensure by the Director, in any
16 manner, for a period of five years.
- 17 2. Respondent Brian Ofsie pay an investigation fee of \$1,500.

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
23 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
Reconsideration a prerequisite for seeking judicial review in this matter.

1 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the
2 date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a
3 written 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. Non-compliance with Order. If you do not comply with the terms of this order,
11 **including payment of any amounts owed within 30 days of receipt of this order**, the Department
12 may seek its enforcement by the Office of the Attorney General to include the collection of the fees
13 imposed herein. The Department may assign the amounts owed to a collection agency for collection.

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

17 DATED this 23rd day of January, 2018.

18 STATE OF WASHINGTON
19 DEPARTMENT OF FINANCIAL INSTITUTIONS

20 /s/
21 _____
22 CHARLES E. CLARK
23 Director
24 Division of Consumer Services

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

4 IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

5 VANGUARD FUNDING, LLC,
MATTHEW VOSS, Owner and Chief Operating
6 Officer, and
BRIAN OFSIE, Owner and President,

7 Respondents.

No. C-17-2282-17-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO REVOKE LICENSE, PROHIBIT
FROM INDUSTRY, COLLECT
INVESTIGATION FEE and RECOVER
COSTS AND EXPENSES

8 **INTRODUCTION**

9 Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial
10 Institutions of the State of Washington (Director) is responsible for the administration of chapter
11 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to
12 RCW 31.04.145, and based upon the facts available as of the date of this Statement of Charges and
13 Notice of Intent to Enter an Order to Revoke License, Prohibit from Industry, Collect Investigation
14 Fee, and Recover Costs and Expenses (Statement of Charges), the Director, through her designee,
15 Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as
16 follows:

17 **I. FACTUAL ALLEGATIONS**

18 **1.1 Respondents.**

19 **A. Vanguard Funding, LLC (Respondent Vanguard)** was licensed by the Department
20 of Financial Institutions of the State of Washington (Department) to conduct business as a consumer
21 loan company on or about March 14, 2017, and continues to be licensed to date.

22 **B. Matthew Voss (Respondent Voss)** is owner and Chief Operating Officer of
23 Respondent Vanguard.

1 **2.2 Requirement to Notify Department of Significant Developments.** Based on the Factual
2 Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-620-
3 490(2)(e) for failing to notify the Department within 10 days of notification of cancellation of
4 Respondent Vanguard's surety bond, and WAC 208-620-490(3)(b) for failing to notify the
5 Department within 20 days of the filing of a felony indictment relating to lending activities of
6 Respondent Vanguard or its officers.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(a) and (b), the Director may
9 revoke a license for failure to maintain the required surety bond, or failure to comply with any
10 provision of the Act or any rule adopted under the Act.

11 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6)(c), the Director
12 may issue an order prohibiting from participation in the affairs of any licensee, any officer, principal,
13 employee, mortgage loan originator, or any other person subject to the Act for suspension or
14 revocation of a license to engage in lending or residential mortgage loan servicing, or perform a
15 settlement service related to lending or residential mortgage loan servicing in this state or another
16 state.

17 **3.3 Authority to Charge Investigation Fee.** Pursuant to RCW 31.04.145(3), WAC 208-620-
18 590, and WAC 208-620-610(7), every licensee examined or investigated by the Director or the
19 Director's designee shall pay for the cost of the examination or investigation, calculated at the rate of
20 \$69.01 per staff hour devoted to the examination or investigation, and shall pay travel costs if the
21 licensee maintains its records outside the state.

22 **3.4 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2), the Director
23 may recover the state's costs and expenses for prosecuting violations of the Act.

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

2 Respondents' 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 31.04.093, RCW 31.04.165, RCW
5 34.04.202, and RCW 31.04.205. Therefore, it is the Director's intent to ORDER that:

6 **4.1** Respondent Vanguard Funding, LLC's license to conduct the business of a consumer
7 loan company be revoked.

8 **4.2** Respondents Vanguard Funding, LLC, Matthew Voss, and Brian Ofsie be prohibited
9 from participation in the conduct of the affairs of any consumer loan company subject
10 to licensure by the Director, in any manner, for a period of five years.

11 **4.3** Respondents Vanguard Funding, LLC, Matthew Voss, and Brian Ofsie jointly and
12 severally pay an investigation fee. As of the date of this Statement of Charges, the
13 investigation fee totals \$1,500.

14 **4.4** Respondents Vanguard Funding, LLC, Matthew Voss, and Brian Ofsie jointly and
15 severally pay the Department's costs and expenses for prosecuting violations of the
16 Act in an amount to be determined at hearing or by declaration with supporting
17 documentation in event of default by Respondents.

18 **4.5** Respondent Vanguard Funding, LLC maintain records in compliance with the Act and
19 provide the Department with the location of the books, records and other information
20 relating to Respondent Vanguard Funding, LLC's consumer loan business, and the
21 name, address and telephone number of the individual responsible for maintenance of
22 such records in compliance with the Act.
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