

ORDER SUMMARY – Case Number: C-19-2640

Name(s): Ben Alexander-Owens Anderson

Order Number: C-19-2640-19-FO01

Effective Date: 4/26/19

License Number: 320166
Or NMLS Identifier [U/L] _____

License Effect: Revocation

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: Permanent

Investigation Costs	\$ 300	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$ 9,000	Due	Paid <input type="checkbox"/> Y <input checked="" 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
Financial Literacy and Education	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

Comments: _____

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

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

No.: C-19-2640-19-FO01

FINAL ORDER

BEN ALEXANDER-OWENS ANDERSON,
NMLS# 320166:

Respondent.

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I. DIRECTOR'S CONSIDERATION

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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 Acting Director, Richard St. Onge (Director's designee), pursuant to RCW 34.05.440(1). On March 27, 2019, the former Director, through her designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Impose Fine, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) against Ben Alexander-Owens Anderson (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 March 28, 2019, a Notice of Opportunity to Defend and Opportunity for Brief Adjudicative Proceeding, and a blank Request for Brief Adjudicative Proceeding for Respondent (collectively, accompanying documents).

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On March 28, 2019, the Department served Respondent with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express delivery. On April 1, 2019, the documents sent via Federal Express were delivered. The documents sent via First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondent did not request a brief adjudicative proceeding within twenty calendar days after
2 the 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 his review and
5 for entry of a final decision included the Statement of Charges, cover letter dated March 28, 2019,
6 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 1. Respondent Ben Alexander-Owens Anderson's license to conduct the business of
15 a mortgage loan originator is revoked.
- 16 2. Respondent Ben Alexander-Owens Anderson is permanently prohibited from
17 participation in the conduct of the affairs of any consumer loan company subject to
18 licensure by the Director, in any manner.
- 19 3. Respondent Ben Alexander-Owens Anderson pay a fine, in the amount of \$9,000.
- 20 4. Respondent Ben Alexander-Owens Anderson pay an investigation fee, in the
21 amount of \$300.

22 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
23 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
24 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,

1 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
2 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
3 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

16 DATED this 26th day of April, 2019.

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18 STATE OF WASHINGTON
19 DEPARTMENT OF FINANCIAL INSTITUTIONS

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21 /s/
22 RICHARD ST. ONGE
23 Acting Director
24 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
Consumer Loan Act of Washington by:

BEN ALEXANDER-OWENS ANDERSON,
Mortgage Loan Originator, NMLS #320166,

Respondent.

No. C-19-2640-19-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO REVOKE LICENSE, PROHIBIT
FROM INDUSTRY, IMPOSE FINE,
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 her designee, Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent. Ben Alexander-Owens Anderson (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage loan originator (MLO) on or about July 3, 2017, and continues to be licensed to date.

1.2 License Revocation. On or about March 12, 2018, the California Department of Business Oversight (DBO) issued an Accusation to revoke Respondent's DBO-issued MLO license. On or about February 21, 2019, an Order of Decision was entered by the Commissioner of Business Oversight, revoking Respondent's license. The decision became effective on March 23, 2019.

1.3 Misstatements to the Department. Respondent's application for a Department-issued MLO license required submission of the Uniform Individual Mortgage License/Registration & Consent

1 Form (Form MU4), which consists of questions related to Respondent's background. The following
2 questions are included in the State Disclosure Questions section of the Form MU4:

3 (K) Has any State or federal regulatory agency or foreign financial regulatory authority or
self-regulatory organization (SRO) ever:

4 (5) revoked your registration or license?

5 (9) entered an order concerning you in connection with any license or registration?

6 (N) Is there a pending regulatory action proceeding against you for any alleged violation
described in (K) through (L)?

7 Respondent maintained the answer 'No' to Question (N) between the date of the DBO's issuance of
8 its Accusation and November 5, 2018, when Respondent then changed the answer to 'Yes' and
9 provided explanation. Respondent changed the answer back to 'No' on January 15, 2019, while the
10 DBO's regulatory action was ostensibly still pending. Further, Respondent did not change his
11 answers to either (K)(5) or (K)(9) after the date on which the order to revoke his California MLO
12 license was entered. As of the date of this Statement of Charges, Respondent has not changed either
13 answers to either (K)(5) or (K)(9) to 'Yes'.

14 **1.4 Character and General Fitness.** Respondent has not demonstrated character and general
15 fitness such as to command the confidence of the community, given the recent order of revocation of
16 Respondent's DBO-issued MLO license, as well as Respondent's apparent failure to provide timely,
17 accurate disclosures in his Form MU4 at all times while he maintained a Department-issued license.

18 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
19 Act by Respondent continues to date.

20 II. GROUNDS FOR ENTRY OF ORDER

21 **2.1 False Statements and Omissions of Material Facts.** Based on the Factual Allegations set
22 forth in Section I above, Respondent is in apparent violation of RCW 31.04.027(1)(h) for negligently
23 making any false statement or knowingly and willfully making any omission of material fact in
24 connection with any report filed with the Department by a licensee or in connection with any

1 investigation conducted by the Department, when Respondent failed to both update his NMLS record
2 in a reasonable time period following the inception of the DBO's regulatory action and update his
3 record following entry of the DBO's license revocation order.

4 **2.2 Requirement to Demonstrate Character and General Fitness.** Based on the Factual
5 Allegations set forth in Section I, Respondent fails to meet the requirements of 31.04.247(1)(e) by
6 failing to demonstrate character and general fitness such as to command the confidence of the
7 community and to warrant a belief that the mortgage loan originator will operate honestly, fairly, and
8 efficiently within the purposes of the Act.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(b) and (c), the Director may
11 revoke a license when a licensee knowingly or without the exercise of due care, has violated any
12 provision of the Act or any rule adopted under the Act, or when a fact or condition exists that, if it
13 had existed at the time of the original application for the license, clearly would have allowed the
14 Department to deny the application for the original license.

15 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6)(e), the Director
16 may issue an order prohibiting from participation in the affairs of any licensee, any officer, principal,
17 employee, mortgage loan originator, or any other person subject to the Act for a violation of RCW
18 31.04.027.

19 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of
20 up to one hundred dollars per day, per violation, upon the licensee, its employee or loan originator, or
21 any other person subject to the Act for any violation of the Act or failure to comply with any order or
22 subpoena issued by the Director under the Act.

23 **3.4 Authority to Charge Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-
24 590, WAC 208-620-610(7), every licensee examined or investigated by the Director or the Director's

1 designee shall pay for the cost of the examination or investigation, calculated at the rate of \$69.01 per
2 staff hour devoted to the examination or investigation, and shall pay travel costs if the licensee
3 maintains its records outside the state.

4 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2), the Director
5 may recover the state's costs and expenses for prosecuting violations of the Act.

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

7 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
8 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
9 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, RCW
10 34.04.202, and RCW 31.04.205. Therefore, it is the Director's intent to ORDER that:

- 11 **4.1** Respondent Ben Alexander-Owens Anderson's license to conduct the business of a
12 mortgage loan originator be revoked.
- 13 **4.2** Respondent Ben Alexander-Owens Anderson be permanently prohibited from
14 participation in the conduct of the affairs of any consumer loan company subject to
15 licensure by the Director, in any manner.
- 16 **4.3** Respondent Ben Alexander-Owens Anderson pay a fine. As of the date of this
17 Statement of Charges, the fine totals \$9,000.
- 18 **4.4** Respondent Ben Alexander-Owens Anderson pay an investigation fee. As of the date
19 of this Statement of Charges, the investigation fee totals \$300.
- 20 **4.5** Respondent Ben Alexander-Owens Anderson pay the Department's costs and expenses
21 for prosecuting violations of the Act in an amount to be determined at hearing or by
22 declaration with supporting documentation in event of default by Respondent.

23 **V. AUTHORITY AND PROCEDURE**

24 This Statement of Charges and Notice of Intent to Enter an Order to Revoke License, Prohibit
from Industry, Impose Fine, Collect Investigation Fee, and Recover Costs and Expenses (Statement
of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW
31.04.202, and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The

1 Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in
2 the NOTICE OF OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND
3 accompanying this Statement of Charges.

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1 Dated this 27th day of March, 2019.

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3 /s/ CHARLES E. CLARK
4 Director
5 Division of Consumer Services
6 Department of Financial Institutions

7 Presented by:

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9 /s/ BRETT CARNAHAN
10 Financial Legal Examiner

11 Approved by:

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13 /s/ STEVEN C. SHERMAN
14 Enforcement Chief

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