

## ORDER SUMMARY – Case Number: C-17-2161

**Name(s):** Wayne Robert Miller  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-17-2161-17-FO01  
 \_\_\_\_\_

**Effective Date:** June 6, 2017  
 \_\_\_\_\_

**License Number:** NMLS #345403  
**Or NMLS Identifier [U/L]** \_\_\_\_\_

**License Effect:** Denied  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

<b>Investigation Costs</b>	\$672	Due:07/06/17	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$1000	Due:07/06/17	Paid <input type="checkbox"/> Y <input checked="" 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 **STATE OF WASHINGTON**  
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF INVESTIGATING:  
5 The loan originator license application under the  
6 Mortgage Broker Practices Act of Washington by:

7 WAYNE ROBERT MILLER,  
8 NMLS #345403

9 Respondent.

No.: C-17-2161-17-FO01

FINAL ORDER

10 **I. DIRECTOR'S CONSIDERATION**

11 A. Default. This matter has come before the Director of the Department of Financial  
12 Institutions of the State of Washington (Director), through her designee, Consumer Services Division  
13 Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On May 16, 2017, the  
14 Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter  
15 an Order to Deny Application, Prohibit from Industry, Impose Fine, Collect Investigation Fee, and  
16 Recover Costs and Expenses (Statement of Charges) against Wayne Robert Miller (Respondent). A copy  
17 of the Statement of Charges is attached and incorporated into this order by this reference. The Statement  
18 of Charges was accompanied by a cover letter dated May 16, 2017, a Notice of Opportunity to Defend  
19 and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent  
20 (collectively, accompanying documents).

21 On May 16, 2017, the Department served Respondent with the Statement of Charges and  
22 accompanying documents by First-Class mail and Federal Express overnight delivery at the address  
23 provided by Respondent in his license application. On May 17, 2017, the documents sent by Federal  
24 Express overnight delivery were delivered but refused by the recipient. The documents sent by First-  
Class mail were not returned to the Department by the United States Postal Service as undeliverable.

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 in  
3 WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for his review and for  
5 entry of a final decision included the Statement of Charges, cover letter dated May 16, 2017, Notice of  
6 Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for  
7 Respondent, with documentation for service.

8 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the Director's  
9 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 Wayne Robert Miller's application for a license to conduct the business of  
a Loan Originator is denied.
- 15 2. Respondent Wayne Robert Miller is prohibited from participation in the conduct of  
the affairs of any mortgage broker subject to licensing under the Act.
- 16 3. Respondent Wayne Robert Miller shall pay a fine of \$1,000.
- 17 4. Respondent Wayne Robert Miller shall pay an investigation fee of \$672.

18 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a Petition  
19 for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed  
20 in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road SW,  
21 Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200,  
22 within ten (10) days of service of the Final Order upon Respondent. The Petition for Reconsideration  
23

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

3 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date  
4 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written  
5 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 Stay  
7 the effectiveness of this order. Any such requests should be made in connection with a Petition for  
8 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 filing  
11 a Petition for Judicial Review, see RCW 34.05.510 and sections following.

12 E. Non-compliance with Order. If you do not comply with the terms of this order, **including**  
13 **payment of any amounts owed within 30 days of receipt of this order**, the Department may seek its  
14 enforcement by the Office of the Attorney General to include the collection of the fine and investigation  
15 fee imposed herein. The Department also may assign the amounts owed to a collection agency for  
16 collection.

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

20 DATED this 6<sup>th</sup> day of June, 2017.

21 STATE OF WASHINGTON  
22 DEPARTMENT OF FINANCIAL INSTITUTIONS

23 /s/

24 CHARLES E. CLARK

Director

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 loan originator license application under the  
Mortgage Broker Practices Act of Washington by:  
  
Wayne Robert Miller,  
NMLS #345403,  
  
Respondent.

No. C-17-2161-17-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO DENY APPLICATION,  
PROHIBIT FROM INDUSTRY, IMPOSE  
FINE, COLLECT INVESTIGATION FEE,  
AND RECOVER COSTS AND EXPENSES

**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). After having conducted an  
investigation pursuant to RCW 19.146.310, 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 Wayne Robert Miller (Respondent)** submitted an application to the  
Department of Financial Institutions of the State of Washington (Department) for a license to conduct  
the business of a loan originator. The license application was received by the Department through the  
Nationwide Mortgage Licensing System and Registry (NMLS) on or about November 16, 2016.

**1.2 Prior Conviction.** On or about January 4, 2017, while Respondent's application was under  
investigation, Respondent pled guilty to a gross-misdemeanor crime of dishonesty. To date,  
Respondent has not updated his NMLS disclosures.

**1.3 Failure to Comply with Director's Authority.** On or about April 11, 2017, the Department  
served Respondent with a Directive requiring the production of information and documents more

1 specifically set forth therein. Respondent was required to provide the information and documents by  
2 April 26, 2017. To date, Respondent has not provided the required information or documents.

3 **1.4 Ongoing Investigation.** The Department's investigation of Respondent's violations of the  
4 Act continues.

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

6 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section  
7 I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-  
8 350-(2)(c) by having been convicted of a gross misdemeanor involving dishonesty or financial  
9 misconduct within seven years of the filing of the present application.

10 **2.2 Requirement to Comply with Director's Authority.** Based on the Factual Allegations set  
11 forth in Section I above, Respondent is in apparent violation of RCW 19.146.235 for failing to  
12 comply with the Director's authority.

## 13 **III. AUTHORITY TO IMPOSE SANCTIONS**

14 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW  
15 19.146.220(1), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2),  
16 if the Director does not find the conditions of RCW 19.146.310(1) have been met, the Director shall  
17 not issue the loan originator license and shall notify the loan originator applicant of the denial.

18 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4)(d), the Director may  
19 issue orders prohibiting any person subject to licensing under the Act for failure to comply with any  
20 directive of the Director.

21 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(d) the Director may impose a  
22 fine of up to \$100 per day for failure to comply with any Directive of the Director.

1 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-  
2 660-550(4), the Department may charge an investigation fee calculated at \$48 per hour for each  
3 examiners time devoted to an investigation.

4 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director  
5 may recover the state's costs and expenses for prosecuting violations of the Act.

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

7 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 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 19.146.220, RCW 19.146.221,  
10 RCW 19.146.223, and RCW 19.146.310. Therefore, it is the Director's intention to ORDER that:

11 **4.1** Respondent Wayne Robert Miller's application for a license to conduct the business of  
12 a loan originator be denied.

13 **4.2** Respondent Wayne Robert Miller be prohibited from participating in the conduct of the  
14 affairs of any mortgage broker subject to licensing under the Act.

15 **4.3** Respondent Wayne Robert Miller pay a fine, which as of the date of this Statement of  
16 Charges totals \$1,000.

17 **4.4** Respondent Wayne Robert Miller pay an investigation fee, which as of the date of these  
18 charges totals \$672.

19 **4.5** Respondent Wayne Robert Miller pay the Department's costs and expenses for  
20 prosecuting violations of the Act in an amount to be determined at hearing or by  
21 declaration with supporting documentation in event of default by Respondent.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is issued pursuant to the provisions of RCW 19.146.220, RCW  
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter  
4 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a  
5 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR  
6 HEARING accompanying this Statement of Charges.

7  
8 Dated this 16<sup>th</sup> day of May, 2017.

9  
10 /s/ \_\_\_\_\_  
11 CHARLES E. CLARK  
12 Director  
13 Division of Consumer Services  
14 Department of Financial Institutions

15 Presented by:

16 /s/ \_\_\_\_\_  
17 STEVEN C. SHERMAN  
18 Enforcement Chief