

Terms Complete

ORDER SUMMARY – Case Number: C-22-3398

Name: Netsavanh Nicollette Khounphachansy

Order Number: C-22-3398-22-FO01

Effective Date: 12/19/22

License Number: 1132412
Or NMLS Identifier [U/L]

License Effect: Application Denied

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$ N/A		Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Financial Literacy and Education	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$ N/A	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:	N/A		

Comments:

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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:

No.: C-22-3398-22-FO01

FINAL ORDER

NETSAVANH NICOLLETTE
KHOUNPHACHANSY,
AKA NETSAVANH N. MALIVANH,
NMLS # 1132412,

Respondent.

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, Lucinda Fazio (Director's designee), pursuant to RCW 34.05.440(1). On November 1, 2022, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (Statement of Charges) against Netsavanh Nicollette Khounphachansy AKA Netsavanh N. Malivanh (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 1, 2022, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On November 1, 2022, the Department served Respondent with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. The Department received confirmation that the documents sent by Federal Express were delivered on November 2, 2022. The documents sent via 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 Statement of Charges, cover letter dated November 1, 2022,
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative
7 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 Respondent Netsavanh Nicollette Khounphachansy AKA Netsavanh N. Malivanh's
15 application for a license to conduct the business of a loan originator is denied.

16 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
17 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
18 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
19 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
20 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
21 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
22 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. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
11 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
12 attached hereto.

13 DATED this 19th day of December, 2022.



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16 STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

17
18 /s/
Lucinda Fazio, Director
19 Division of Consumer Services

1 the State of Oregon. This prior criminal conviction is the equivalent of a felony under Washington
2 law.

3 II. GROUNDS FOR ENTRY OF ORDER

4 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section
5 I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-
6 350-(2)(c) by having been convicted of a gross misdemeanor involving [REDACTED]
7 [REDACTED] within seven years of the filing of the present application, or having been convicted of, or
8 pleading guilty or nolo contendere to, a felony within seven years of the filing of the present
9 application, or having ever been convicted of, or pleading guilty or nolo contendere to, a felony
10 involving [REDACTED]

11 III. AUTHORITY TO IMPOSE SANCTIONS

12 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW
13 19.146.220(1), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2),
14 if the Director does not find the conditions of RCW 19.146.310(1) have been met, the Director shall
15 not issue the loan originator license and shall notify the loan originator applicant of the denial.

16 IV. NOTICE OF INTENTION TO ENTER ORDER

17 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
18 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
19 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
20 RCW 19.146.223, and RCW 19.146.310. Therefore, it is the Director's intention to ORDER that:

21 **4.1** Respondent NETSAVANH NICOLLETTE KHOUNPHACHANSY AKA
22 NETSAVANH N. MALIVANH's application for a license to conduct the business of a
23 loan originator be denied.

1 **V. AUTHORITY AND PROCEDURE**

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

8
9 Dated this 21st day of October, 2022.



14 /s/
15 LUCINDA FAZIO, Director
16 Division of Consumer Services
17 Department of Financial Institutions

18 Presented by:

19 /s/
20 MEGAN GUTHRIE
21 Financial Legal Examiner

22 Approved by:

23 /s/
24 JACK McCLELLAN
Enforcement Chief