

Terms Completed

ORDER SUMMARY – Case Number: C-21-3232

Name(s): Daniel Lamar Terry

Order Number: C-21-3232-22-FO01

Effective Date: 2/10/22

NMLS No.: 2095911

License Effect: Application Denied

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

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|---|--------------------|-----|---|------|
| 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: | | | |

Comments:

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

4 IN THE MATTER OF INVESTIGATING the
5 Loan Originator License Application under the
6 Consumer Loan Act of Washington by:

No.: C-21-3232-22-FO01

7 DANIEL LAMAR TERRY, NMLS No. 2095911,
8
9 Respondent.

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 his designee, Consumer Services Division
13 Director Lucinda Fazio (Director's designee), pursuant to RCW 34.05.440(1). On December 23,
14 2021, the Director, through the Director's designee, issued a Statement of Charges and Notice of
15 Intent to Enter an Order to Deny License Application (Statement of Charges) against Daniel Lamar
16 Terry (Respondent). A copy of the Statement of Charges is attached and incorporated into this order
17 by this reference. The Statement of Charges was accompanied by a cover letter dated January 4,
18 2022, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for
19 Adjudicative Hearing for Respondent (collectively, accompanying documents).

20 On January 4, 2022, the Department served Respondent with the Statement of Charges and
21 accompanying documents by First-Class mail and FedEx. The Department received confirmation
22 that the documents sent by FedEx were confirmed delivered on January 5, 2022. The documents sent
23 by First-Class mail were not returned to the Department by the United States Postal Service.

24 Respondent did not request an adjudicative hearing within twenty calendar days after the
Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
in WAC 208-08-050(2).

1 B. Record Presented. The record presented to the Director’s designee for her review and
2 for entry of a final decision included the following: Statement of Charges, cover letter dated January
3 4, 2022, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
4 Adjudicative Hearing for Respondent, with documentation for service.

5 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
6 Director’s designee hereby adopts the Statement of Charges, which is attached hereto.

7 II. FINAL ORDER

8 Based upon the foregoing, and the Director’s designee having considered the record and being
9 otherwise fully advised, NOW, THEREFORE:

10 A. IT IS HEREBY ORDERED, That: Respondent Daniel Lamar Terry’s application for a
11 mortgage loan originator license is denied.

12 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
13 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
14 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
15 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
16 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
17 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
18 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

10 DATED this 10th day of February, 2022.



11 STATE OF WASHINGTON
12 DEPARTMENT OF FINANCIAL INSTITUTIONS

13 /s/
14 _____
15 Lucinda Fazio, Director
16 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
Consumer Loan Act of Washington by:

DANIEL LAMAR TERRY, NMLS No.
2095911,

Respondent.

No.: C-21-3232-21-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO DENY LICENSE
APPLICATION

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 31.04.247, 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 Lucinda Fazio, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent Daniel Lamar Terry (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a mortgage loan originator license under Assent Mortgage, LLC, a consumer loan company licensed under the Act. The license application was received by the Department, through the Nationwide Mortgage Licensing System on or about May 18, 2021.

1.2 Prior Criminal Conviction. On or about October 29, 2013, in the Superior Court of California, County of San Diego, Respondent pled guilty to one count of a felony [REDACTED]

[REDACTED] Respondent disclosed the prior criminal conviction in his license application and the

1 Department offered Respondent the opportunity to withdraw the application. As of the date of this
2 Statement of Charges, Respondent has not withdrawn his application for a license.

3 **II. GROUNDS FOR ENTRY OF ORDER**

4 **2.1 Requirement of No Prior Criminal Convictions.** Based on the Factual Allegations set forth
5 in Section I above, Respondent fails to meet the requirements of RCW 31.04.247(1)(d) and WAC
6 208-620-710(4)(c) by having pled guilty to a felony in a domestic, foreign, or military court at any
7 time preceding the date of application, when the felony involved [REDACTED]

8 [REDACTED]
9 **2.2 Requirement to Demonstrate Character and General Fitness.** Based on the Factual
10 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW
11 31.04.247(1)(e) and WAC 208-620-710(4)(a) by failing to demonstrate character, and general fitness
12 such as to command the confidence of the community and to warrant a determination that the
13 mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the Act.

14 **III. AUTHORITY TO IMPOSE SANCTIONS**

15 **3.1 Authority to Deny Application for Mortgage Loan Originator License.** Pursuant to RCW
16 31.04.093(2), the Director may deny applications for licenses. Pursuant to RCW 31.04.247(2), the
17 Director shall not issue a mortgage loan originator license if the director finds the conditions of RCW
18 31.04.247 have not been met.

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

20 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
21 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
22 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, RCW
23 31.04.205, and RCW 31.04.247. Therefore, it is the Director's intent to ORDER that:

