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: JUANITA BOOKER, Respondent.	NO. C-07-153-07-FO01 FINAL ORDER

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 Deborah Bortner, pursuant to RCW 34.05.440(1). On October 22, 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry (Statement of Charges). 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 October 23, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated October 23, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on October 23, 2007 by first class mail and Federal Express overnight delivery. On October 24, 2007, the documents sent via Federal Express overnight delivery were delivered. The documents sent via first class mail were not returned to the Department.

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

B. Record Presented. The record presented to the Director's designee for her review and for entry of a final decision included the Statement of Charges, cover letter dated October 23, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing, with documentation of service.

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

II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

> Respondent Juanita Booker is banned from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, through October 22, 2017.

B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition 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, Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The 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.

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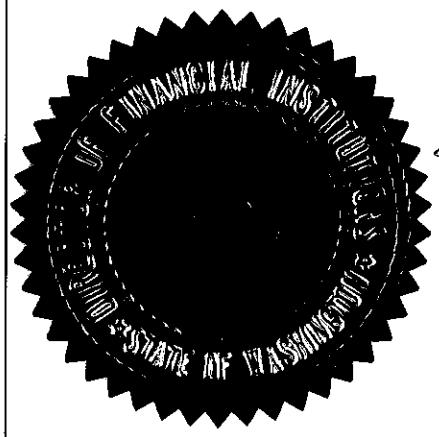
A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on a petition.

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

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

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

DATED this 5th day of December, 2007.



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DEBORAH BORTNER
DIRECTOR
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IN THE MATTER OF INVESTIGATING the Loan Originator License Application under the Mortgage Broker Practices Act of Washington by: JUANITA BOOKER, Respondent.	NO. C-07-153-07-SC01 STATEMENT OF CHARGES and NOTICE OF INTENTION TO ENTER AN ORDER TO PROHIBIT FROM INDUSTRY

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)[1]. 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 his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent Juanita Booker. Respondent Juanita Booker (Respondent Booker) was employed as a loan originator by a licensed Washington mortgage broker company at all times relevant to this Statement of Charges. Respondent Booker has not applied for a Loan Originator license or any other license with the Department.

1.2 Prior Criminal Acts. On August 27, 2007, the Respondent was convicted of the following offenses in the United States District Court in the Western District of Washington at Seattle:

a. Conspiracy to Commit Identity Theft pursuant to 18 U.S.C. Sec. 1028(a)(7), a felony, and

b. Bank Fraud pursuant to 18 U.S.C. Sec. 1344, a felony.

[1] RCW 19.146 (Amended 2006; Effective January 1, 2007)

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In addition, on November 21, 2001, the Respondent was convicted of RCW 9A.60.020 Forgery, a felony, in the Superior Court of the State of Washington in and for Snohomish County (Cause No.01-1-1231-7).

1.3 Prohibited Acts. On January 31, 2007, the Respondent was indicted in the United States District Court in the Western District of Washington at Seattle of one count of Conspiracy to Commit Identify Theft and Bank Fraud pursuant to 18 U.S.C. Sec. 1028, 1349 and 2, and seven counts of Aggravated Identity Theft pursuant to 18 U.S.C. Sec. 1028A and 2.

According to the indictment, the Respondent was employed as a loan originator for a licensed Bellevue, Washington mortgage broker company between 2004 and July 2005. While employed with the Washington mortgage broker company, the Respondent took client documents from her employer that contained personal and financial information. The Respondent took personal documents of roughly twenty clients.

The Respondent took the client documents and provided them to co-conspirators (who have also been indicted) who in turn used the personal information to conduct unlawful activities. Some of the unlawful activities committed included obtaining false identification, opening false bank accounts, assuming the identity of other persons, and theft.

As a result of the Respondent's action, the victims incurred losses of thousands of dollars and damage to their credit. The Respondent has since pleaded guilty to the charges outlined in Section 1.2.

1.4 On-Going Investigation: The Department's investigation into the alleged violations of the Act by Respondent continues to date.

II. GROUNDS FOR ENTRY OF ORDER

2.1 Prohibited Acts. Based on the Factual Allegations set forth in Section I above, Respondent Booker is in apparent violation of RCW 19.146.0201(1), (2) and (3) by directly or indirectly employing a scheme, device, or artifice to defraud or mislead borrowers or lenders or any person, and by engaging in an unfair or deceptive practice toward any person, or by obtaining property by fraud or misrepresentation.

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III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Prohibit from Industry. Pursuant to RCW 19.146.220(2)(e)(i), the Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

IV. NOTICE OF INTENTION TO ENTER ORDER

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

4.1 Respondent Juanita Booker be prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Department or any mortgage broker exempt from Washington law under RCW 19.146.020(1)(d) or (f), in any manner for a period of ten (10) years.

V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 22nd day of October, 2007.

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

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Presented by:

WILLIAM HALSTEAD
Financial Legal Examiner

Approved by:

JAMES R. BRUSSELBACK
Enforcement Chief

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