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

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IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

NO. C-07-168-07-FO01

NHAT "TY" VAN VO,

FINAL ORDER

Respondent.

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.464. On June 11, 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (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 June 11, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated June 11, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Nhat "Ty" Van Vo (Respondent Vo) on June 12, 2007 by first class mail and Federal Express overnight delivery.

On June 15, 2007, Respondent Vo filed an Application for Adjudicative Hearing. On June 18, 2007, the Department made a request to the Office of Administrative Hearings (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges.

1 On July 9, 2007, OAH issued a Notice of Assignment of Administrative Law Judge assigning  
2 ALJ Micheal W. Furtado (ALJ Furtado) to preside over prehearing and hearing proceedings and issue  
3 an Initial Decision. On August 8, 2007, ALJ Furtado issued an Order for Telephonic Prehearing  
4 Conference scheduling a prehearing conference.

5 On September 11, 2007, ALJ Furtado issued a Notice postponing the hearing set in this matter  
6 for the Department to file a motion for Summary Judgment.

7 On October 23, 2007, ALJ Furtado issued an Initial Order Granting the Department's Motion  
8 for Summary Judgment. (Initial Order). On October 23, 2007, ALJ Furtado mailed the Initial Decision  
9 and Order to Respondent Vo.

10 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent Vo had twenty (20) days from  
11 the date of service of the Initial Order to file a Petition for Review of the Initial Order. Respondent Vo  
12 did not file a Petition for Review during the statutory period.

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14 B. Record Presented. The record presented to the Director's designee for her review and  
15 for entry of a final decision included the following:

- 16 1. Statement of Charges, cover letter dated June 11, 2007, and Notice of Opportunity to  
17 Defend and Opportunity for Hearing, with documentation of service;
- 18 2. Application for Adjudicative Hearing for Respondent Vo;
- 19 3. Request to OAH for Assignment of Administrative Law Judge;
- 20 4. Notice of Assignment of Administrative Law Judge dated July 9, 2007, with  
21 documentation of service;
- 22 5. Order for Telephonic Prehearing Conference dated August 8, 2007, with  
23 documentation of service;
- 24 6. Notice Postponing Scheduled Hearing dated September 11, 2007, with documentation  
25 of service;



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

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

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8 DATED this 17<sup>th</sup> day of December, 2007.  
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10 STATE OF WASHINGTON  
11 DEPARTMENT OF FINANCIAL INSTITUTIONS

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15 DEBORAH BORTNER  
16 DIRECTOR  
17 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:

NHAT "TY" VAN VO,

Respondent.

NO. C-07-168-07-SC01

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

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**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)<sup>1</sup>. 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:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent Nhat "Ty" Van Vo (Respondent Vo)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Metropolitan Mortgage Group, Inc, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about May 8, 2007.

**1.2 Prior Criminal Acts.** On or about October 7, 2002, Respondent Vo pled guilty to the charge of Conspiracy to Distribute MDMA ("Ecstasy"), MDA, Ketamine, Phentermine, Methamphetamine, Marijuana and Cocaine, in the United States District Court, Western District of Washington at Seattle,

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<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 a felony pursuant to Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(C), 859  
2 and 846..

## 3 4 **II. GROUNDS FOR ENTRY OF ORDER**

5 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,  
6 Respondent Vo fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by  
7 having been convicted of a felony within seven years of the filing of the present application.

## 8 9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the  
11 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the  
12 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by  
13 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application  
14 of the denial.

## 15 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, as set forth  
18 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis  
19 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.  
20 Therefore, it is the Director's intention to ORDER that:

21 **4.1** Respondent Nhat "Ty" Van Vo's application for a loan originator license be denied.

## 22 23 **V. AUTHORITY AND PROCEDURE**

24 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application  
25 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW

1 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative  
2 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF  
3 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of  
4 Charges.

5 Dated this 17<sup>th</sup> day of June, 2007.



DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

14 Presented by:

17 CHARLES E. WOODE  
Financial Legal Examiner

19 Approved by:

22 FATIMA BATIE  
Financial Legal Examiner Supervisor

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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:

NHAT "TY" VAN VO,

Respondent.

C-07-168-07-SC01

NOTICE OF OPPORTUNITY TO DEFEND  
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

Nhat "Ty" Van Vo

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by subpoena. If you are limited English-speaking or hearing impaired, you have the right to have an interpreter appointed at no cost to you, as discussed below.

1            INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-  
2 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for  
3 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate  
4 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN  
5 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request  
6 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative  
7 Hearing form.

8            YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the  
9 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will  
10 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the  
11 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of  
12 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the  
13 attached Application for Adjudicative Hearing to:

14                            Department of Financial Institutions  
15                            Division of Consumer Services  
16                            Attn: Fatima Batie  
17                            PO Box 41200  
18                            Olympia, Washington 98504-1200

19                            Dated this 11<sup>th</sup> day of June 2007.



20                            *Deborah Bortner*

21                            DEBORAH BORTNER  
22                            Director  
23                            Division of Consumer Services  
24                            Department of Financial Institutions