State of Washington

DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF INVESTIGATING The Loan Originator License Application under the Mortgage Broker Practices Act of Washington by: ANDREW ANGELO DeLORENZO, Respondent.	OAH Docket No. 2007-DFI-0067 No. C-07-447-08-FO01 FINAL DECISION & ORDER CONFIRMING GRANT OF SUMMARY JUDGMENT BY ADMINISTRATIVE LAW JUDGE

THIS MATTER has come before the Director ("hereinafter, "Director") of the Department of Financial Institutions (hereinafter, "Department") in the above-enumerated administrative action pursuant to Corrected Proposed Findings of Fact, Conclusions of Law, and Initial Order on Motion for Summary Judgment (hereinafter, collectively, "Initial Order") based upon a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (hereinafter, "Statement of Charges") issued by the Division of Consumer Services (hereinafter, "Division") on or about November 1, 2007, under the authority of the Mortgage Broker Practices Act, Ch. 19.146 RCW (hereinafter, "MBPA").

The Respondent, Andrew Angelo DeLorenzo (hereinafter, "Respondent") timely requested an Administrative Hearing to contest the Statement of Charges, and this matter was assigned to the Office of Administrative Hearings (hereinafter, "OAH"), which designated Administrative Law Judge Leslie Wagner (hereinafter, "Administrative Law Judge") to hear the case. The Division made a Motion for Summary Judgment (hereinafter, "Summary Judgment Motion"), by and through its counsel, Assistant Attorney General, Charles Clark (hereinafter, "Division Counsel"). Respondent filed a Response (hereinafter, "Summary Judgment Response"). Then, on March 20, 2008, the Administrative Law Judge issued an

Initial Order granting the Summary Judgment Order, which was followed by a corrected Initial Order on April 1, 2008. The Initial Order contains Proposed Findings of Fact (hereinafter, "FOF") and Conclusions of Law (hereinafter, "COL").

More than twenty (20) days has elapsed since the entry and service of the Initial Order. Respondent has not filed any petition for review of the Initial Order.

On or about July 16, 2008, the Division presented this matter to the Director for entry of a final decision and order. However, the proposed final decision and order were in the nature of a *default or uncontested* final order – i.e., in a form and style that is properly reserved for those cases which are either (1) uncontested from inception or (2) come before the Director as a result of an applicant's default.

This case *was* contested by Respondent. Respondent *did* respond to the Summary Judgment Motion. Respondent did *not* default. Respondent simply did not file a petition for review of the Initial Order. Division's proposed final decision and order are inappropriate in form and substance, because they do not convey to the parties or to a superior court (in the event of judicial review) the Director's required deliberation, even in circumstances such as these, of the sufficiency and propriety of the Administrative Law Judge's grant of summary judgment.

Accordingly, the Director subsequently ordered, received and has now considered the entire OAH Record. This Final Decision and Order are based upon a consideration of the entire OAH Record, including, without limitation, the following:

1. Online License application dated August 21, 2007 (hereinafter, "Application");
2. Statement of Charges;
3. Application for Adjudicative Hearing;
4. Summary Judgment Motion;
5. Declaration of Will Halstead (hereinafter, "Halstead Declaration");
6. Declarative Statement of Respondent in Opposition to Motion for Summary Judgment (hereinafter, "Summary Judgment Response");
7. Division's Reply (hereinafter, "Division's Reply"); and
8. Initial Order (including the corrected version which is herein relied upon).

This record is hereinafter referred to collectively as "Record on Review."

1.0 Summary of the Case

This case concerns whether Respondent is automatically disqualified from obtaining a Loan Originator License (hereinafter, "License") and prohibited from participation in the affairs of a mortgage broker until August 1, 2017, by reason of: (1) Having been convicted of a felony within 7 years of the date of Application; (2) having been convicted of a gross misdemeanor within 7 years of the date of Application; and (3) having failed to disclose these two criminal convictions in his online Application. A prospective licensee is automatically disqualified from obtaining a License if convicted of any type of felony or a gross misdemeanor involving dishonesty or financial misconduct within 7 years of the date of application for a loan originator license.[1] In addition, the MBPA also authorizes the Division to seek a License ban of additional years (in this case until August 1, 2017) for either making false statements or willfully omitting information in a License application.

Respondent's criminal convictions each appear to be while he was a juvenile subject to the jurisdiction of the juvenile division of the superior court. Respondent's Summary Judgment Response was limited to his contention that he did not know that he had to disclose juvenile convictions and that he has, since his majority, maintained an honorable life-style. The question is whether such a defense raises any triable issue of fact from which the Administrative Law Judge should have concluded that summary judgment was in appropriate. In addition, the Director has discretion to consider whether the length of the License ban sought by the Division and contained in the Initial Order is excessive under the circumstances.

2.0 Preliminary Considerations

2.1 Standards for Summary Judgment in Administrative Actions. The Director takes note preliminarily of the following standards which are to be applied to motions for summary judgment in an administrative action under the Administrative Procedures Act, Chapter 34.05 RCW (hereinafter, "APA") :

[1] RCW 19.146.310(1) (d).

2.1.1 The Necessity of FOF and COL. FOF and COL were required, as a matter of law, to be contained in the Initial Order, even upon a motion for summary judgment.[2] The Administrative Law Judge appropriately made FOF and COL. But this still leaves open whether summary judgment was appropriate.

2.1.2 Standards for Granting Summary Judgment. The Department has adopted the Model Rules of Procedure, Chapter 10-08 WAC, except to the extent of any conflict with the Department's Rules of Procedure.[3] WAC 10-08-135 sets forth the standards to be followed by the Department and the Administrative Law Judge, as its agent, when considering the Summary Judgment Motion and the Summary Judgment Response, and declares that "[a] motion for summary judgment may be granted and an order issued [only] if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." In evaluating the application of this standard, the Director may rely on applicable law from sources other than WAC 10-08-135 itself and must be respectful of the constitutional rights of respondents.[4] To that end, the Director is required to weigh on review all pleadings, evidence and argument in a light most favorable to the non-moving party.[5] If there is any inference of a triable issue of fact, then summary judgment is inappropriate.[6] Litigants are entitled to a dispositive hearing on all issues

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[2] In a judicial court, findings of fact and conclusions of law are not contained in a summary judgment order where there is no material issue of fact from which to demonstrate a judge's deliberation in making "findings." The APA, at RCW 34.05.461(3), declares that all "[i]nitial and final orders shall include a statement of findings and conclusions . . . ." This is reiterated in WAC 110-08-210, which declares that "[e]very decision and order, whether initial or final, shall . . . [c]ontain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461 . . . [and] . . . [c]ontain appropriate numbered conclusions of law . . . ." WAC 10-08-135 provides for summary judgment but merely states that "[a] motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Therefore, without reference to their content, the issuance of FOF and COL by the Administrative Law Judge was appropriate. The Administrative Law Judge would have violated the APA if he had not issued FOF and COL.

[3] WAC 208-08-020(1) declares: "The department adopts the model rules of procedure as set forth in WAC 10-08-035 through 10-08-230. If there is a conflict between the model rules and this chapter, the rules in this chapter shall govern. Wherever the term 'agency' appears in the model rules it means the department of financial institutions."

[4] WAC 10-08-220 declares: "Nothing in chapter 10-08 WAC is intended to diminish the constitutional rights of any person or to limit or modify additional requirements imposed by statute, including the Administrative Procedure Act."

[5] *Reid v. Pierce County*, 136 Wn.2d 195, 201, 961 P.2d 333 (1998).

[6] *Davis v. W. One Auto. Group*, 140 Wn. App. 449, 456 (2007).

of fact and law.[7] These principles apply equally to the Administrative Law Judge and to the Director evaluating the Initial Order.[8]

2.2 Proper Consideration by Director Absent Petition for Review. Respondent did not file a petition for review contesting the Initial Order. However, even when a party has *not* filed a petition for review, the Director still has the authority and duty, prior to entering a Final Decision and Order, to consider whether any part of the Initial Order is *not* supported by the record[9] and whether confirmation of the Initial Order, without modification, would be an error of law. Indeed, with regard to the COL as contained in the Initial Order, the Director is obliged, in the manner of a reviewing court, to consider the statutes and implementing regulations of the Division under the error of law standard, which permits the Director to substitute his judgment for that of the Division's Statement of Charges and the Administrative Law Judge's Initial Order.[10]

2.3 Consideration of Length of License Ban. It is apparent from the Initial Order that the Administrative Law Judge considered the question of whether Respondent negligently made a false statement or knowingly and willfully made an omission of material fact in his application.[11] The grant of summary judgment reflects that the Administrative Law Judge perceived there to be no material issue of fact concerning this question. However, particularly in consideration of the length of License ban, the Director is presented with two issues:

2.3.1 Appropriateness of Summary Judgment as to Issue of "Negligent" False Statement or "Knowing and Willful" Omission. Of paramount concern for the Director is whether the Respondent's Summary Judgment Response presented any triable issue of fact.

2.3.2 Appropriateness of License Ban Length. Apart from consideration of whether summary judgment was appropriate, the Director also has discretion to modify the length of the License ban. As Division Counsel has correctly observed in the Division's Reply

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[7] *Jones v. Allstate Ins. Co.*, 146 Wn.2d 291, 300-01, 45 P.3d 1068 (2002), citing *Lybbert v. Grant County*, 141 Wn.2d 29, 34, 1 P.3d 1124 (2000).

[8] *Folsom v. Burger King*, 135 Wn.2d 658, 663, 958 P.2d 301 (1998).

[9] See RCW 34.05.464(4); see also *Northwest Steelhead v. Washington State Department of Fisheries*, 78 Wn. App. 778, 896 P.2d 1292 (1995); see also *Towle v. Department of Fish and Wildlife*, 94 Wn.App. 196, 971 P.2d 591 (1999).

[10] See *Aponte v. Dep't of Soc. & Health Servs.*, 92 Wn. App. 604, 616-17, 965 P.2d 626 (1998), *review denied*, 137 Wn.2d 1028 (1999); cited in Nationscapital at p. 737.

[11] See Initial Order, FOF 7 at p. 3; COL 7 at pp. 7-8 [referencing RCW 19.146.0201(8)].

to the Summary Judgment Response, the Administrative Law Judge did *not* have such discretion and was obliged, upon determining that summary judgment was appropriate, to impose the License ban sought in the Statement of Charges, provided that it was consistent with statutory authority. But since the Director does not have such limited authority, the Director may consider whether there are mitigating factors which, on the face of Respondent's Summary Judgment Response, warrant a more lenient License ban. The Director's consideration may include, however, due regard for the public policy to be maintained in the statutory authority that the Division has to impose a License ban until August 1, 2017.

3.0 Director's Consideration of FOF and COL. After due consideration of the entire record on review and in a light most favorable to Respondent, the Director is of the decided view that the Initial Order is appropriate in its entirety. The Director does not arrive at this conclusion lightly.

Respondent makes certain assertions in his Summary Judgment Response, the veracity of which have not been refuted. However, notwithstanding Respondent's veracity in his Summary Judgment Response, it is clear that Respondent lied on his License application.

Respondent had no right or privilege to rely on his supervisor's apparent statement to Respondent that he "did not need to disclose this information in the application due to it being a juvenile adjudication."[12] The requirements of the License application are clear to any applicant on their face, and they are supported by the governing statute and rule of the Division. Moreover, in the event of any uncertainty between what he was told by a non-lawyer supervisor (Anthony Colagrossi) and the clear instructions and questions contained in the application, Respondent could have easily contacted the Licensing Section of the Division and resolved this question with an *authoritative* answer.

Secondly, the apparent statement by First Rate Financial's compliance trainer that "if there was an issue with the licensing, I would be able to explain the situation at hearing,"[13] is not helpful to Respondent either. Rather, this latter statement tends to establish the proposition

[12] This hearsay statement, contained in the Summary Judgment Response, is admissible for the Director's consideration because it was not offered for the truth of the matter asserted but to establish Respondent's state of mind in hearing it.

[13] This hearsay statement is also admissible for the reason set forth in Footnote 12.

that the compliance trainer would have correctly told Respondent that any inculpatory answers *made* on the applications could be explained at hearing.

Indeed, nothing in the Summary Judgment Response establishes a material issue of fact as to Respondent's state of mind when lying on his License application. The instructions and the questions on the application were clear. Regardless of anything Respondent may have been told, Respondent's untruthfulness was willful and knowing as a matter of law.[14]

This brings the Director to the question of whether, independent of the violation of RCW 19.146.0201(8), there are any mitigating factors concerning Respondent that would weigh in favor of a more lenient License ban. Unfortunately, Respondent's recent, apparent law-abiding lifestyle and commendable effort to become a business professional (including matriculating at a university) do not overcome a strong public policy for telling the truth on license applications. By the implicit tenor of the Summary Judgment Response, Respondent would have the Director believe that upon reaching majority, the juvenile convictions of Respondent and others similarly situated ought to be ignored for civil and administrative purposes and, therefore, effort to conceal those convictions should likewise be accorded leniency. The Director is of the view that rewarding this kind of conduct is contrary to public policy. Honesty and truthfulness are and should continue to be foundational standards for obtaining and maintaining a professional license. For the Director to extend leniency in the length of the License ban in this case would send the wrong message to Respondent and other prospective licensees similarly situated. The License ban until August 1, 2017 is permissible under the statute, and the Director further finds that it is appropriate in this case.

4.0 Findings of Fact. Now, therefore, the Director re-affirms FOF 1 through FOF 7, inclusive, at pages 1-3 of the Initial Order.

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[14] See RCW 19.146.0201(8). Respondent is ashamed of his past and would like to overcome it. The Director finds his efforts to do that commendable. But Respondent cannot overcome his past by ignoring it. Respondent's own statements, combined with lying on the application itself, merely tend to show an active effort on Respondent's part to conceal his past and to look for ways to do so, including consulting anyone (however unqualified) who will validate his desire to do so. This is not the way that Respondent should approach a professional career, which the Director believes is still capable of promise. A License is not a right. It is a privilege conferred upon an individual. It is portable and not unique to a single employer-employee relationship. If granted, it is a conditional grant of property which must be guarded with care by the licensee. Ownership of such a License by Respondent would require that he take full responsibility for keeping and maintaining it. Yet Respondent has demonstrated in the application and the Summary Judgment Response none of the qualities that would suggest that he yet possesses the maturity, judgment or character to appreciate his own need for personal responsibility – including the requisite honesty required for a License. Respondent had the personal responsibility to tell the truth or, in the case of subjective uncertainty, resolve any questions prior to uttering what he knew was a lie. Had Respondent done so, he would not have lied on his application. Moreover, it is likely that the outcome of this case would have been considerably different.

5.0 Conclusions of Law. Now, therefore, the Director re-affirms COL 1 through COL 14, at pages 3-8 of the Initial Order.

6.0 Final Order. Having made Findings of Fact and Conclusions of Law as set forth above, IT IS HEREBY ORDERED AS FOLLOWS:

6.1 Denial of License. The application of Respondent, ANDREW ANGELO DeLORENZO, for a Loan Originator License is denied.

6.2 Prohibition. Respondent ANDREW ANGELO DeLORENZO is prohibited from participating in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, through August 1, 2017.

6.3 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 this 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. 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.

6.4 Stay of Order. The Director 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.

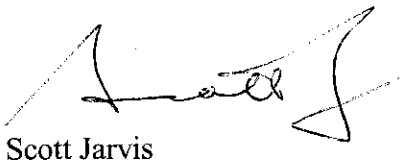
6.5 Judicial Review. Respondent has the right to petition the superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

6.6 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.

6.7 Effectiveness and Enforcement of Final Order. Pursuant to the Administrative Procedures Act, at RCW 34.05.473, this Final Decision and Order shall be effective immediately upon deposit in the United States Mail.

Dated at Tumwater, Washington, on this 16th day of December, 2008.

WASHINGTON STATE DEPARTMENT
OF FINANCIAL INSTITUTIONS

By: 

Scott Jarvis
Director

NOTICE TO THE PARTIES

In accordance with RCW 34.05.470 and WAC 10-08-215, any Petition for Reconsideration of the FINAL DECISION & ORDER CONFIRMING GRANT OF SUMMARY JUDGMENT BY ADMINISTRATIVE LAW JUDGE must be filed with the Director within ten (10) days of service of the FINAL DECISION & ORDER CONFIRMING GRANT OF SUMMARY JUDGMENT BY ADMINISTRATIVE LAW JUDGE. It should be noted that Petitions for Reconsideration do not stay the effectiveness of the FINAL DECISION & ORDER CONFIRMING GRANT OF SUMMARY JUDGMENT BY ADMINISTRATIVE LAW JUDGE. Judicial Review of the FINAL DECISION & ORDER CONFIRMING GRANT OF SUMMARY JUDGMENT BY ADMINISTRATIVE LAW JUDGE is available to a party according to provisions set out in the Washington Administrative Procedure Act, RCW 34.05.570.

This is to certify that the FINAL DECISION AND ORDER has been served upon the following parties on December 17, 2008, by depositing a copy of same in the United States mail, postage prepaid.

WASHINGTON STATE DEPARTMENT
OF FINANCIAL INSTITUTIONS

By: Susan Putzier

Susan Putzier

Executive Assistant to the Director

Mailed to the following:

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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: ANDREW ANGELO DELORENZO, Respondent.	NO. C-07-447-07-SC01 STATEMENT OF CHARGES and NOTICE OF INTENTION TO ENTER AN ORDER TO DENY LICENSE APPLICATION AND 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 Andrew Angelo Delorenzo (Respondent Delorenzo) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under First Rate Financial LLC, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about August 1, 2007.

1.2 Prior Criminal Acts. On August 2, 2002, Respondent Delorenzo was convicted of Assault 2nd Degree, a felony, pursuant to RCW 9A.36.021, in the Superior Court of the State of Washington in and for King County (Cause No. 02-800016971).

On September 23, 2003, Respondent Delorenzo was charged with Possession of Stolen Property in the Second Degree, a felony, pursuant to RCW 9A.56.140(1) and 9A.56.160(1)(c) in the Superior Court of the State of Washington in and for the County of Pierce Juvenile Court (Cause No 02-8-02081-7). On November 19,

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

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2002, Respondent Delorenzo pleaded guilty to the amended charge of Possession of Stolen Property in the Third Degree, a gross misdemeanor, pursuant to RCW 9A.56.140(1) and 9A.56.170(1) and (2).

1.3 Responses to Application Questions. The "Criminal Disclosure" section of the loan originator license application consists of eight questions, and includes the following instruction:

"If the answer to any of the following is "YES", provide complete details of all events or proceedings" Respondent Delorenzo answered "no" to the following questions on the "Criminal Disclosure" section of his loan originator license application:

- 1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony? If Yes, when and where?
- 2 – Have your ever been charged with any felony?
- 5 - Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to misdemeanor involving: financial services or a financial services-related business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses.
- 6 – Have you ever been charged with a misdemeanor specified in 5?

Respondent Delorenzo was obligated by statute to answer questions on the loan originator license application truthfully and to provide the Department with complete details of all events or proceedings. Respondent Delarenzo failed to disclose that he had been charged and convicted of the crimes outlined in paragraph 1.2.

II. GROUNDS FOR ENTRY OF ORDER

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

2.2 Prohibited Practices. Based on the Factual Allegations set forth in Section I above, Respondent Delorenzo is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making

any false statement or willfully making any omission of material fact in connection with any application or any information filed by a licensee in connection with any application, examination or investigation conducted by the Department.

2.3 Requirement to Provide Information on License Application. Based on the Factual Allegations set forth in Section I above, Respondent Delorenzo fails to meet the requirements of RCW 19.146.300(1) and (2) and RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form prescribed by the Director.

2.4 Requirement to Demonstrate Character and General Fitness. Based on the Factual Allegations set forth in Section I above, Respondent Delorenzo fails to meet the requirements of RCW 19.146.310(1)(g) and WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly and fairly within the purposes of the Act.

III. AUTHORITY TO IMPOSE SANCTIONS

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

3.2 Authority to Prohibit from Industry. Pursuant to RCW 19.146.220(5)(a), 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, and Authority to Impose Sanctions, constitute a basis

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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 Andrew Angelo Delorenzo's application for a loan originator license be denied.

4.2 Respondent Andrew Angelo Delorenzo's be prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, through August 1, 2017.

V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and 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 18 day of November, 2007.

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

WILLIAM HALSTEAD
Financial Legal Examiner

Approved by:

FATIMA BATIE
Financial Legal Examiner Supervisor

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