

Terms Completed

ORDER SUMMARY – Case Number: C-08-123

Name(s): Dennis Howell Porter

Order Number: C-08-123-09-CO01

Effective Date: May 19, 2009

License Number: DFI: 31680 [NMLS: 86683]
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: License Surrendered

Not Apply Until: September 19, 2009

Not Eligible Until: _____

Prohibition/Ban Until: September 19, 2009

Investigation Costs	\$835.20	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
	No. of Victims:			

Comments: _____

MAY 18 2009

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

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

NO. C-08-123-09-CO01

DENNIS HOWELL PORTER,
Respondent.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Dennis Howell Porter (hereinafter Respondent), through his attorney, Dennis Potter, and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-08-123-08-SC02 (Statement of Charges), entered November 12, 2008, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges. Respondent is agreeing not to further contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER
C-08-123-09-CO01
Dennis Howell Porter

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and that he hereby waives his right to a hearing and any and all administrative
3 and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly,
4 Respondent agrees to withdraw his appeal and to inform the Office of Administrative Hearings in writing of his
5 withdrawal.

6 **C. License Surrender.** It is AGREED that Respondent's license as a loan originator is hereby
7 surrendered.

8 **D. Prohibition from Industry.** It is AGREED that Respondent is prohibited from participating in the
9 conduct of the affairs of any mortgage broker licensed by the Department or any person subject to licensure or
10 regulation by the Department or any mortgage broker exempt from Washington law under RCW 19.146.020(1)(e)
11 or (g) for four (4) months from the date of entry of this Consent Order in any capacity, including but not limited
12 to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, designated broker,
13 employee, or loan originator or (3) any management, control, oversight or maintenance of any trust account(s) in
14 any way related to any residential mortgage transaction or (4) receiving, disbursing, managing or controlling in
15 any way, consumer trust funds in any way related to any residential mortgage transaction.

16 **E. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee
17 of \$835.20, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
18 Consent Order.

19 **F. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
20 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
21 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
22 pursuing such action, including but not limited to, attorney fees.

23 **G. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
24 this Consent Order, which is effective when signed by the Director's designee.

25
CONSENT ORDER
C-08-123-09-CO01
Dennis Howell Porter

1 H. Completely Read, Understood, and Agreed. It is AGREED that Respondent has read this Consent
2 Order in its entirety and fully understands and agrees to all of the same.

3 **RESPONDENT:**
4 **DENNIS HOWELL PORTER**

5 
6 Dennis Howell Porter
7 Individually

5/18/2009
Date

8 
9 Dennis Potter, WSBA No. 27091
10 Attorney at Law
11 Attorney for Respondent

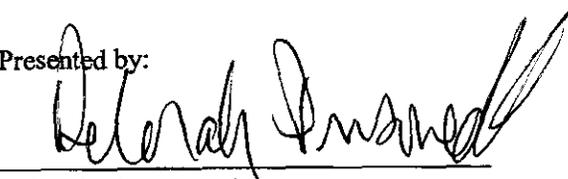
5/15/2009
Date

12 DO NOT WRITE BELOW THIS LINE

13 THIS ORDER ENTERED THIS 19th DAY OF May, 2009.

14 
15 DEBORAH BORTNER
16 Director
17 Division of Consumer Services
18 Department of Financial Institutions

19 Presented by:

20 
21 Deborah Pinsonneault
22 Financial Legal Examiner



23 Approved by:

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25 Fatima Batic
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 under the
Mortgage Broker Practices Act of Washington by:

DENNIS HOWELL PORTER,

Respondent.

NO. C-08-123-08-SC02

AMENDED STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE
AND PROHIBIT FROM INDUSTRY

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INTRODUCTION

10 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
11 Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW,
12 the Mortgage Broker Practices Act (Act)¹. After having conducted an investigation pursuant to RCW
13 19.146.310, the Department of Financial Institutions of the State of Washington (Department) issued Statement
14 of Charges C-08-123-08-SC01 on May 2, 2008. Since the issuance of Statement of Charges C-08-123-08-
15 SC01, information came to the attention of the Department that necessitated the amendment of Statement of
16 Charges C-08-123-08-SC01. Based upon the facts available as of the date of this Amended Statement of
17 Charges, the Director now proceeds to amend Statement of Charges C-08-123-08-SC01 by issuing an Amended
18 Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit from Industry
19 C-08-123-08-SC02 (Amended Statement of Charges). Now, based upon the facts available as of the date of this
20 Amended Statement of Charges, the Director, through his designee, Division of Consumer Services Director
21 Deborah Bortner, institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

1.1 Respondent Dennis Howell Porter (Respondent Porter) submitted an application to the Department
for a loan originator license under Port Gardner Mortgage Company. The on-line application was received by
the Department on or about December 7, 2006. On or about February 5, 2007, Respondent Porter's loan

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

1 originator license application was approved. On or about April 5, 2007, the Department received a MU4 Form
2 establishing an additional relationship with Harbour Pointe Mortgage, LLC.

3 On or about February 13, 2008, Respondent Porter submitted an on-line loan originator renewal
4 application. This application affirmed employment relationships with Port Gardner Mortgage Company and
5 Harbour Pointe Mortgage, LLC. Respondent Porter's renewal application was approved electronically on that
6 date. Respondent Porter has been licensed continuously from February 5, 2007, to date.

7 **1.2 Prior Criminal Acts.** On January 11, 2002, in the Superior Court of Washington for Snohomish
8 County case number 02-1-00074-1, an Information was filed against Respondent Porter charging Respondent
9 Porter with one count of Possession of a Controlled Substance, a felony pursuant to RCW 69.50.401(d). On or
10 about March 8, 2002, an Amended Information was filed amending the charge to one count of Soliciting
11 Possession of a Controlled Substance, a gross misdemeanor pursuant to RCW 9A.28.030 and RCW
12 69.50.401(d). On or about March 8, 2002, Respondent Porter pleaded guilty to one count of Soliciting
13 Possession of a Controlled Substance.

14 On or about June 6, 2001, Respondent Porter was charged in the Municipal Court of Everett,
15 Snohomish County, Washington, case number CR 48480 with one count of Making a False or Misleading
16 Statement to a Public Officer, a gross misdemeanor pursuant to EMC 10.12.190. On or about July 22, 2001,
17 Respondent Porter pleaded guilty to an amended charge of Criminal Attempt, a misdemeanor pursuant to EMC
18 10.10.010.

19 **1.3 Responses to Application Questions.** The "Criminal Disclosure" section of the loan originator license
20 application consists of eight questions and includes the following instruction:

21 "If the answer to any of the following is "YES", provide complete details of all events or proceedings."
22 Respondent Porter answered "yes" to the following four questions on the "Criminal Disclosure" section of his
23 loan originator license application and explained as follows:

- 24 • 1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a
25 domestic, foreign, or military court to any felony?

- 1 ▪ Respondent Porter's explanation stated, "Everett, Wa 1994, Approx/Alfred Plea."
- 2 • 2-Have you ever been charge with any felony?
- 3 ▪ Respondent Porter's explanation stated, "Everett, Wa 1994 Approx Alfred Plea."
- 4 • 5-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a
- 5 domestic, foreign, or military court to misdemeanor involving: financial services or a financial
- 6 services-related business or any fraud, false statements or omissions, theft or any wrongful
- 7 taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to
- 8 commit any of these offenses?
- 9 ▪ Respondent Porter's explanation stated, "1999 Approx- Soliciting permission to
- 10 possess a controlled substance-Everett.WA."
- 11 • 6-Have you ever been charged with a misdemeanor specified in 5?
- 12 ▪ Respondent Porter's explanation stated, "Same as above #5."

13 The "Criminal Disclosure" section of the loan originator license renewal application consists of four
 14 questions. Respondent Porter answered "no" to the following four questions on the "Criminal Disclosure"
 15 section of his loan originator license renewal application:

- 16 • 1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a
- 17 domestic, foreign, or military court to a felony in the past seven years?
- 18 • 2-Have you been charged with any felony in the past 7 years?
- 19 • 3-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a
- 20 domestic, foreign, or military court to misdemeanor involving: financial services or a financial
- 21 services-related business or any fraud, false statements or omissions, theft or any wrongful
- 22 taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to
- 23 commit any of these offenses in the past 7 years?
- 24 • 4-Have you been charged with a misdemeanor as specified in question 3 in the past 7 years?
- 25

1 Respondent Porter was obligated by statute to answer questions on the loan originator license application and
2 loan originator renewal application truthfully and to provide the Department with complete details of all events
3 or proceedings.

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

5 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent
6 Porter is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making
7 any false statement or willfully making any omission of material fact in connection with any application or any
8 information filed by a licensee in connection with any application, examination or investigation conducted by
9 the Department.

10 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
11 forth in Section I above, Respondent Porter fails to meet the requirements of RCW 19.146.300(1) and (2) and
12 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
13 prescribed by the Director.

14 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
15 forth in Section I above, Respondent Porter fails to meet the requirements of RCW 19.146.310(1)(g) and WAC
16 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of
17 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes
18 of the Act.

19 **III. AUTHORITY TO IMPOSE SANCTIONS**

20 **3.1 Authority to Revoke Loan Originator License.** Pursuant to RCW 19.146.220(2)(b) and (e), the
21 Director may revoke a loan originator license for false statements or omission of material information on the
22 application that, if known, would have allowed the director to deny the application for the original license or for
23 any violation of the Act.

24 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
25 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed

1 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
2 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

3 **IV. NOTICE OF INTENTION TO ENTER ORDER**

4 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
5 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
6 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

7 Therefore, it is the Director's intention to ORDER that:

8 **4.1** Respondent Dennis Howell Porter's loan originator license be revoked; and

9 **4.2** Respondent Dennis Howell Porter be prohibited from participation in the conduct of the affairs of any
10 mortgage broker subject to licensure by the Director, in any manner, through February 13, 2013.

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V. AUTHORITY AND PROCEDURE

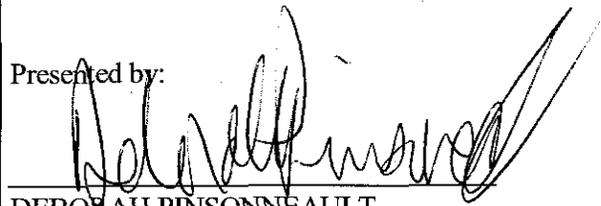
This Amended Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit from Industry (Amended Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 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 Amended Statement of Charges.

Dated this 12th day of November, 2008.



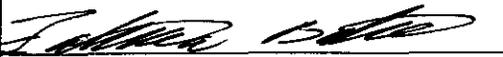
DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



DEBORAH PINSONNEAULT
Financial Legal Examiner

Approved by:



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:

DENNIS HOWELL PORTER,

Respondent.

NO. C-08-123-08-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER DECLINING TO RENEW LICENSE
APPLICATION AND PROHIBITING FROM
INDUSTRY

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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)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:

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I. FACTUAL ALLEGATIONS

1.1 Respondent Dennis Howell Porter (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Port Gardner Mortgage Company, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 7, 2006. On or about April 5, 2007, the Department received a MU4 Form establishing an additional relationship with Harbour Pointe Mortgage, LLC.

On or about February 13, 2008, Respondent submitted an on-line loan originator renewal application. This application affirmed the employment relationships with Port Gardner Mortgage Company and Harbour Pointe Mortgage, LLC.

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

1 **1.2 Prior Criminal Acts.** On January 11, 2002, in the Superior Court of Washington for Snohomish
2 County case number 02-1-00074-1, an Information was filed against Respondent charging Respondent with one
3 count of Possession of a Controlled Substance, a felony pursuant to RCW 69.50.401(d). On or about March 8,
4 2002, an Amended Information was filed amending the charge to one count of Soliciting Possession of a
5 Controlled Substance, a gross misdemeanor pursuant to RCW 9A.28.030 and RCW 69.50.401(d). On or about
6 March 8, 2002, Respondent pleaded guilty to one count of Soliciting Possession of a Controlled Substance.

7 On or about June 6, 2001, Respondent was charged in the Municipal Court of Everett, Snohomish
8 County, Washington, case number CR 48480 with one count of Making False or Misleading Statements to a
9 Public Officer, a gross misdemeanor pursuant to EMC 10.12.190. On or about July 22, 2001, Respondent
10 pleaded guilty to an amended charge of Criminal Attempt, a misdemeanor pursuant to EMC 10.10.010.

11 **1.3 Responses to Application Questions.** The "Criminal Disclosure" section of the loan originator
12 license application consists of eight questions and includes the following instruction:

13 "If the answer to any of the following is "YES", provide complete details of all events or proceedings."

14 Respondent answered "yes" to the following four questions on the "Criminal Disclosure" section of his loan
15 originator license application and explained as follows:

- 16 • 1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a
17 domestic, foreign, or military court to any felony?
 - 18 ▪ Respondent's explanation stated, "Everett, Wa 1994, Approx/Alfred Plea."
- 19 • 2-Have you ever been charge with any felony?
 - 20 ▪ Respondent's explanation stated, "Everett, Wa 1994 Approx Alfred Plea."
- 21 • 5-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a
22 domestic, foreign, or military court to misdemeanor involving: financial services or a financial
23 services-related business or any fraud, false statements or omissions, theft or any wrongful
24 taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to
25 commit any of these offenses?

1 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
2 forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.300(1) and (2) and RCW
3 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form prescribed by
4 the Director.

5 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
6 forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(g) and WAC 208-
7 660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of the
8 community and to warrant a belief that the business will be operated honestly and fairly within the purposes of
9 the Act.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Decline to Renew Loan Originator License.** Pursuant to RCW 19.146.220(2), the
12 Director may decline to renew licenses to loan originators. Pursuant to RCW 19.146.310, the Director shall not
13 renew a loan originator license if the conditions of RCW 19.146.310 have not been met by the applicant, and
14 shall notify the loan originator applicant and any mortgage brokers listed on the application of the decline to
15 renew the license.

16 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
17 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
18 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
19 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

20 **IV. NOTICE OF INTENTION TO ENTER ORDER**

21 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
22 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
23 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

24 Therefore, it is the Director's intention to ORDER that:

25 **4.1** Respondent Dennis Howell Porter be prohibited from participation in the conduct of the affairs of any
mortgage broker subject to licensure by the Director, in any manner, through February 13, 2013.

1 4.2 Respondent Dennis Howell Porter's application to renew his loan originator license be declined.

2 **V. AUTHORITY AND PROCEDURE**

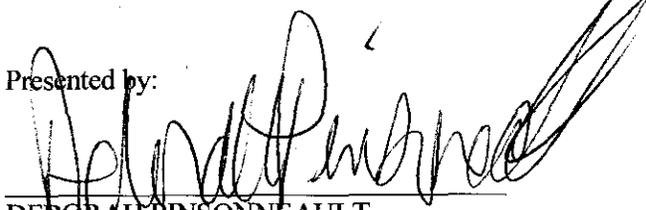
3 This Statement of Charges and Notice of Intention to Enter an Order Declining to Renew License
4 Application and Prohibiting from Industry (Statement of Charges) is entered pursuant to the provisions of
5 RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions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

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10 Dated this 2nd day of May, 2008.

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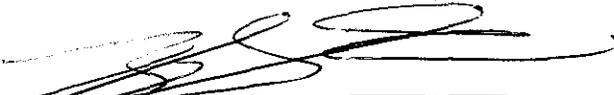
12 DEBORAH BORTNER
13 Director
14 Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

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18 DEBORAH PINSONNEAULT
19 Financial Legal Examiner

20 Approved by:

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22 FATIMA BATIE
23 Financial Legal Examiner Supervisor

