

Terms Completed

ORDER SUMMARY – Case Number: C-10-108

Name(s): Pacific Mortgage Consultants, Inc.
Michael James O'Reilly

Order Number: C-10-108-10-CO01

Effective Date: January 20, 2011

License Number: DFI: 28644 [NMLS: 2131] DFI: 28647 [NMLS: 10237]
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: n/a

Not Apply Until: n/a

Not Eligible Until: _____

Prohibition/Ban Until: n/a

Investigation Costs	\$48	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$300	Due	Paid <input checked="" 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: _____

RECEIVED

JAN 19 2011

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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-10-108-10-CO01

PACIFIC MORTGAGE CONSULTANTS INC;
MICHAEL O'REILLY, DESIGNATED BROKER,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Pacific Mortgage Consultants, Inc. and Michael O'Reilly (hereinafter Respondents), 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 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges entered in April 2010, (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, Respondents hereby agree to the Department's entry of this Consent Order and further agree 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. Respondents are agreeing not to 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.

1 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of their right to a hearing
2 before an administrative law judge, and that they hereby waive their right to a hearing and any and all
3 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
4 Accordingly, Respondents, by the signatures of its representatives below, hereby withdraw their Request for Brief
5 Adjudicative Proceeding.

6 **C. Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$300, in the form of a
7 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

8 **D. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
9 of \$48, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
10 Consent Order.

11 **E. Assurance of Compliance:** Respondents acknowledge and understand that RCW 19.146.290 and
12 WAC 208-660-400 require that an annual report of mortgage broker activity be provided to the Department by
13 March 31st of each year. Respondents, by the signatures of its representatives below, assure that they will fully
14 comply with these above provisions.

15 **F. Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and
16 warranted that they have the full power and right to execute this Consent Order on behalf of the parties represented.

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

21 **H. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into
22 this Consent Order, which is effective when signed by the Director's designee.

23 **I. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
24 Consent Order in its entirety and fully understand and agree to all of the same.

25 //

1 **RESPONDENTS:**

Pacific Mortgage Consultants, Inc.; Michael O'Reilly, Designated Broker

2 By: *Pacific Mortgage Consultants Inc*

1/12/11
Date

3 Printed Name: *Michael J. O'Reilly*

4 Its: *Designated Broker* (Title)

5 *[Signature]*

1/12/11
Date

6 Michael O'Reilly,
7 Designated Broker and Individually

8
9 **DO NOT WRITE BELOW THIS LINE**

10
11
12 THIS ORDER ENTERED THIS *20th* DAY OF *January*, 201*1*. ^{*DB*}

13
14 *[Signature]*

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

19 Presented by:

20 *[Signature]*

21 ROBERT E. JONES
22 Financial Legal Examiner

23 Approved by:

[Signature]

24 FATIMA BATIE
25 Financial Legal Examiner Supervisor



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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:

PACIFIC MORTGAGE CONSULTANTS INC;
MICHAEL O'REILLY, DESIGNATED
BROKER,

Respondents.

NO. C-10-108-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

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). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as 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 Respondents. Pacific Mortgage Consultants Inc and Michael O'Reilly, Designated Broker (Respondents) were licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged. At all times relevant to the Statement of Charges, Michael O'Reilly was the Designated Broker for the company.

1.2 Failure to File Mortgage Broker Annual Report. By March 31, 2010, Respondents were required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. As of the date of this Statement of Charges Respondents have not filed the 2009 mortgage broker annual report.

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

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

2 **2.1 Requirement to File Mortgage Broker Annual Report.** Based on the Factual Allegations set forth in
3 Section I above, Respondents are in apparent violation of RCW 19.146.290(1), WAC 208-660-250(7) and
4 WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

5 **III. AUTHORITY TO IMPOSE SANCTIONS**

6 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
7 licensee or other person subject to the Act for any violations of the Act.

8 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
9 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
10 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
11 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
12 devoted to the investigation.

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

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

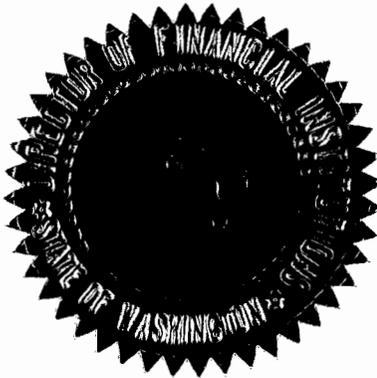
- 18 **4.1** Respondents Pacific Mortgage Consultants Inc and Michael O'Reilly jointly and severally pay a
19 fine of \$100 per day for every day starting April 1, 2010, until the 2009 Mortgage Broker Annual
Report is filed; and
- 20 **4.2** Respondents Pacific Mortgage Consultants Inc and Michael O'Reilly jointly and severally pay an
21 investigation fee, which as of the date of these charges is \$48 calculated at \$48 per hour for one
staff hour devoted to the investigation; and
- 22 **4.3** Respondents Pacific Mortgage Consultants Inc and Michael O'Reilly file the 2009 annual report of
23 mortgage broker activity.

24 //
25 //

1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect
3 Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
4 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05
5 RCW (The Administrative Procedure Act). Respondents may make a written request for a Brief Adjudicative
6 Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF
7 ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

8 Dated this 22nd day of April, 2010.



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DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

18 Presented by:

19
20
21


FATIMA BATIE
Financial Legal Examiner Supervisor

22 Approved by:

23
24
25


JAMES R. BRUSSELBACK
Enforcement Chief

DEPARTMENT OF FINANCIAL INSTITUTIONS

Request For Brief Adjudicative Proceeding

Hand Deliver or Overnight Mail:
 Department of Financial Institutions
 Division of Consumer Services
 150 Israel Road SW
 Tumwater, WA 98501
 Telephone: (360) 902-8703

1st Class Mail or FAX:
 P.O. Box 41200
 Olympia, WA 98504-1200
 Fax: (360) 725-7827

For Office Use Only	File Number: C-10-108-10-SC01
	Date Request Received:

Please Type or Print Clearly

I. Personal Data

LAST NAME		FIRST NAME		MIDDLE NAME	
CURRENT ADDRESS (STREET)(SUITE)				TELEPHONE ()	
CITY	STATE	COUNTY	ZIP	FAX ()	

II. Statement of Intent

Check one box in each color group and initial to the right which statement best applies to you.

<input type="checkbox"/> I DO request a Brief Adjudicative Proceeding (BAP) in this matter. I may provide additional documents for the BAP presiding officer.	_____ INITIALS
<input type="checkbox"/> I DO NOT request a Brief Adjudicative Proceeding.	_____ INITIALS

<input type="checkbox"/> I DO request a qualified INTERPRETER be provided at no cost to me. My primary language is _____ (identify language) or my hearing impaired status is _____ (identify hearing impaired status).	_____ INITIALS
<input type="checkbox"/> I DO NOT request a qualified INTERPRETER be provided at no cost to me.	_____ INITIALS

<input type="checkbox"/> I WILL be represented by an attorney. Their name and address is:	_____ INITIALS
NAME OF ATTORNEY	
ADDRESS OF ATTORNEY	
<input type="checkbox"/> I WILL NOT be represented by an attorney.	_____ INITIALS

III. Special Note: Failure to return this form within twenty (20) days from the date you received this notice will constitute a default and the initial determination is final.

IV. Signature of Applicant or Attorney Representing Applicant

 Signature and Date

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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:

PACIFIC MORTGAGE CONSULTANTS INC;
MICHAEL O'REILLY, DESIGNATED
BROKER

Respondents.

No. C-10-108-10-SC01

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR BRIEF
ADJUDICATIVE PROCEEDING

8 THE STATE OF WASHINGTON TO:

Pacific Mortgage Consultants Inc
Michael O'Reilly, Designated Broker

9
10 YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been issued by the
Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

11
12 YOU ARE HEREBY NOTIFIED that you may file a Request for Brief Adjudicative Proceeding before the
Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is
13 deemed complete upon deposit in the United States mail. YOUR REQUEST MUST BE RECEIVED BY THE
14 DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU
15 RECEIVED THIS NOTICE. If you request a Brief Adjudicative Proceeding, you will be notified of the schedule
16 and oral argument, if any, at least seven (7) days in advance.

17
18 The Brief Adjudicative Proceeding will be as informal as is practical within the requirements of the
Administrative Procedure Act (see chapter 34.05 RCW). If you are limited English- speaking or hearing impaired,
19 you have the right to have an interpreter appointed at no cost to you, as discussed below.

20
21 INTERPRETER AVAILABILITY. If you are a person who, because of non-English-speaking cultural
22 background, cannot readily speak or understand the English language, or if you are a person who, because of a
23 hearing impairment or speech defect, cannot readily understand or communicate in spoken language, including
24 persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN INTERPRETER, then a qualified
25 interpreter will be appointed at no cost to you. You may request the appointment of a qualified interpreter by
indicating your request on the attached Request for Brief Adjudicative Proceeding form.

1 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
2 Request for Brief Adjudicative Proceeding form within twenty (20) days from the date you received this notice, this
3 will constitute a waiver of your right to a Brief Adjudicative Proceeding and the Director will find that you do not
4 contest the allegations of the Statement of Charges. Upon such a finding by the Director a final order will be
5 immediately entered disposing of this matter as described in the Statement of Charges. If you desire a Brief
6 Adjudicative Proceeding in this matter, please return the attached Request for Brief Adjudicative Proceeding to:

7 Department of Financial Institutions
8 Division of Consumer Services
9 Attn: Fatima Batie
10 PO Box 41200
11 Olympia, Washington 98504-1200

12 Dated this 22nd day of April 2010.

13 

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

