



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

4 B. Record Presented. The record presented to the Director's designee for her review and  
5 for entry of a final decision included the following: Statement of Charges, cover letter, Notice of  
6 Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing  
7 for Respondent, with documentation of service.

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

10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

- 14 1. Respondent Williams Law Center cease and desist engaging in the business of a  
15 mortgage broker or loan originator in regards to residents of the state of  
Washington or property located in the state of Washington.
- 16 2. Respondent Williams Law Center and its officers and principals are prohibited  
17 from participation in the conduct of the affairs of any mortgage broker subject to  
licensure by the Director, in any manner, for a period of five (5) years.
- 18 3. Respondent Williams Law Center pay a fine of \$15,000.
- 19 4. Respondent Williams Law Center pay restitution to at least the consumers  
20 identified in the attached restitution schedule (herein incorporated by reference).
- 21 5. Respondent Williams Law Center pay an investigation fee of \$1,632.
- 22 6. Respondent Williams Law Center, its officers, employees, and agents maintain  
23 records in compliance with the Act and provide the Director with the location of  
the books, records and other information relating to Respondent Williams Law  
Center's mortgage broker business, and the name, address and telephone number

1 of the individual responsible for maintenance of such records in compliance with  
2 the Act.

3 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
4 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
5 must be filed in the Office of the Director of the Department of Financial Institutions by courier at  
6 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
7 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
8 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
9 Reconsideration a prerequisite for seeking judicial review in this matter.

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

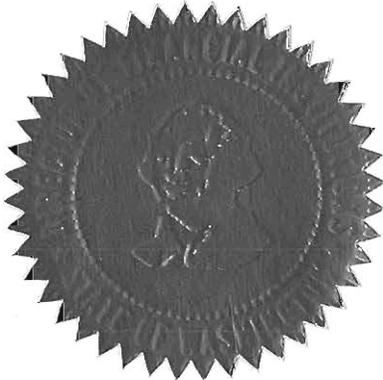
13 C. Stay of Order. The Director's designee has determined not to consider a Petition to  
14 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition  
15 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

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

19 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
20 Department may seek its enforcement by the Office of the Attorney General to include the collection  
21 of the fines, restitution, and fees imposed herein. The Department also may assign the amounts owed  
22 to a collection agency for collection.

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

4 DATED this 27<sup>th</sup> day of June, 2011



7 STATE OF WASHINGTON  
8 DEPARTMENT OF FINANCIAL INSTITUTIONS

9 

10 DEBORAH BORTNER  
11 Director  
12 Division of Consumer Services



1 paid fees to Respondent totaling at least \$8,450. To date, the Department has not issued a license to  
2 engage in the business of a mortgage broker or loan originator to Respondent.

3 **1.3 Failure to Comply with Department Directive.** On or about February 19, 2010, the  
4 Department issued a subpoena to Respondent via the United States Postal Service First-Class mail  
5 (First-Class mail), requiring Respondent to submit various documents and information within fifteen  
6 days of the date of the subpoena. The subpoena was not returned to the Department by the United  
7 States Postal Service. Respondent did not respond.

8 **1.4** On or about March 15, 2010, the Department sent another subpoena to Respondent by First-  
9 Class mail. The subpoena was not returned to the Department by the United States Postal Service.  
10 Respondent did not respond.

11 **1.5** On or about May 10, 2010, the Department sent a third subpoena to Respondent by First-  
12 Class mail. The subpoena was returned to the Department by the United States Postal Service with a  
13 new forwarding address. On or about May 18, 2010, the Department re-sent the subpoena to the  
14 address provided by the United States Postal Service. The subpoena was not returned to the  
15 Department by the United States Postal Service. Respondent did not respond.

16 **1.6** On or about June 16, 2010, and July 21, 2010, the Department again sent Respondent  
17 subpoenas by First-Class mail. The subpoenas were not returned to the Department by the United  
18 States Postal Service. Respondent did not respond.

19 **1.7** On or about December 17, 2010, the Department again issued a subpoena to Respondent,  
20 requiring Respondent to submit various documents and information within fifteen days of the date of  
21 the subpoena. The subpoena was sent via Federal Express overnight delivery and First-Class mail.  
22 The documents sent via Federal Express overnight delivery were returned to the Department as  
23

1 undeliverable. However, the First-Class mail was not returned to the Department by the United  
2 States Postal Service.

3 **1.8** On or about January 18, 2011, a Department representative faxed and emailed Respondent  
4 another copy of the subpoena with a demand that a response be received by close of business on  
5 January 21, 2011. On January 21, 2011 (Friday), Respondent's representative contacted the  
6 Department and stated she would provide the requested materials over the weekend. On or about  
7 January 24, 2011, Respondent submitted a partial response to the subpoena, and stated that the rest of  
8 the information would be provided on January 25, 2011. No other materials were received by the  
9 Department.

10 **1.9** On or about February 15, 2011, the Department sent an email to Respondent's representative,  
11 notifying Respondent that the requirements of the subpoena had not been met and providing a  
12 February 21, 2011, deadline to fully comply. Respondent did not respond.

13 **1.10 On-Going Investigation.** The Department's investigation into the alleged violations of the  
14 Act by Respondent continues to date.

## 15 **II. GROUNDS FOR ENTRY OF ORDER**

16 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-  
17 010(29), "Mortgage Broker" means any person who, for compensation or gain, or in the expectation  
18 of compensation or gain (a) makes a residential mortgage loan or assists a person in obtaining or  
19 applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to  
20 make a residential mortgage loan or assist a person in obtaining or applying to obtain a residential  
21 mortgage loan.

22 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10), "Loan Originator" means  
23 a natural person who for direct or indirect compensation or gain, or in the expectation of direct or

1 indirect compensation or gain (i) takes a residential mortgage loan application for a mortgage broker,  
2 or (ii) offers or negotiates terms of a mortgage loan. "Loan originator" also includes a person who  
3 holds themselves out to the public as able to perform any of these activities. "Loan originator" does  
4 not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the  
5 purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and  
6 distribution of information common for the processing of a loan in the mortgage industry and  
7 communication with a borrower to obtain information necessary for the processing of a loan. A  
8 person who holds himself or herself out to the public as able to obtain a loan is not performing  
9 administrative or clerical tasks.

10 **2.3 Requirement to Obtain and Maintain Mortgage Broker License.** Based on Factual  
11 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200 for  
12 engaging in the business of a mortgage broker without first obtaining and maintaining a license under  
13 the Act.

14 **2.4 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
15 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1)  
16 and WAC 208-660-155(1) for engaging in the business of a loan originator without first obtaining  
17 and maintaining a loan originator license under the Act.

18 **2.5 Requirement to comply with all Department Directives.** Based on the Factual Allegations  
19 set forth in Section I above, Respondent is in apparent violation of RCW 19.146.235 for failing to  
20 comply with subpoenas issued by the Director or his designee.

21 **2.6 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent  
22 is in apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a  
23

1 scheme, device or artifice to defraud or mislead borrowers or lenders or any person, engaging in an  
2 unfair or deceptive practice toward any person, or obtaining property by fraud or misrepresentation.

3 **2.7 Requirement to Maintain Books and Records.** Based on Factual Allegations set forth in  
4 Section I above, Respondent is in apparent violation of RCW 19.146.060 for failing to maintain all  
5 books and records in a location that is on file with and readily available to the Department until at  
6 least twenty-five months have elapsed following the effective period to which the books and records  
7 relate.

### 8 III. AUTHORITY TO IMPOSE SANCTIONS

9 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
10 Director may issue orders directing a licensee, its employee or loan originator, or other person subject  
11 to the Act to cease and desist from conducting business in a manner that is injurious to the public or  
12 violates any provision of the Act.

13 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
14 issue orders removing from office or prohibiting from participation in the conduct of the affairs of  
15 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed  
16 mortgage broker or any person subject to licensing under the Act for any violation of RCW  
17 19.146.0201(1) through (9) or (12), RCW 19.146.200, or failure to comply with a directive or order  
18 of the Director.

19 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(d), (e), and (3)(a) and (b), the  
20 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person  
21 subject to the Act for any violations of RCW 19.146.020(1) through (9) or (12), RCW 19.146.200, or  
22 failure to comply with a directive or order of the Director.

1 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(d) and (e), the Director  
2 may issue orders directing a licensee, its employee or loan originator, or other person subject to the  
3 Act to pay restitution to an injured borrower.

4 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-  
5 550(4), and WAC 208-660-520(9), the Department will charge forty-eight dollars per hour for an  
6 examiner's time devoted to an investigation of the books and records of a licensee or other person  
7 subject to the Act.

#### 8 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

13 **4.1** Respondent Williams Law Center, PC cease and desist engaging in the business of a  
14 mortgage broker or loan originator in regards to residents of the state of Washington or property  
located in the state of Washington;

15 **4.2** Respondent Williams Law Center, PC and its officers and principals be prohibited from  
16 participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director,  
in any manner, for a period of five (5) years;

17 **4.3** Respondent Williams Law Center, PC pay a fine, which as of the date of this Statement of  
18 Charges totals \$15,000;

19 **4.4** Respondent Williams Law Center, PC pay restitution to the consumers referenced in  
paragraph 1.2 above;

20 **4.5** Respondent Williams Law Center, PC pay an investigation fee, which as of the date of this  
21 Statement of Charges totals \$1,632 calculated at \$48 per hour for thirty-four (34) staff hours devoted  
to the investigation; and

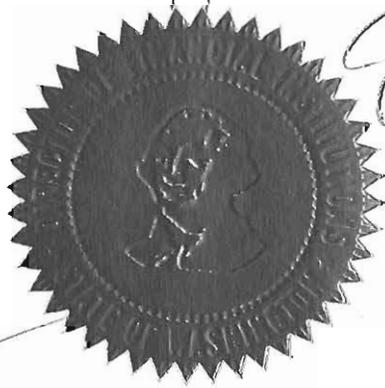
22 **4.6** Respondent Williams Law Center, PC maintain records in compliance with the Act and  
23 provide the Department with the location of the books, records and other information relating to  
Respondent Williams Law Center, PC's mortgage broker business, and the name, address and

1 telephone number of the individual responsible for maintenance of such records in compliance with  
2 the Act.

3 **V. AUTHORITY AND PROCEDURE**

4 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist,  
5 Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of  
6 Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 221, RCW 19.146.223, and  
7 RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative  
8 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF  
9 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this  
10 Statement of Charges.

11 Dated this 2nd day of May, 2011



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

17 Presented by:

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19 MARNIE SHEERAN  
20 Financial Legal Examiner

21 Approved by:

22 

23 JAMES R. BRUSSELBACK  
24 Enforcement Chief