# Terms Completed

## **AGREEMENT SUMMARY – Case Number: C-16-2039**

Name(s):	William J Bra	adley			
Order Number:	C-16-2039-17	-AG01			
<b>Effective Date</b> :	05/31/2017				
License Number: Or NMLS Identifier [U/L]	NMLS #13583				
License Effect:	none				
Not Apply Until:	n/a				
Not Eligible Until:	n/a				
Prohibition/Ban Until:	n/a				
<b>Investigation Costs</b>	\$276	Due	Paid ⊠ Y □ N	Date: 05/23/17	
Fine	\$0	Due	Paid Y N	Date	
Assessment(s)	\$0	Due	Paid N N	Date	
Restitution	\$0	Due	Paid N N	Date	
Judgment	\$0	Due	Paid	Date	
Satisfaction of Judgment F	Filed?  No. of	☐ Y ☐ N			
	Victims:				
Comments:					

STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISION OF CONSUMER SERVICES

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IN THE MATTER OF INVESTIGATING:

W.J. BRADLEY MORTGAGE CAPITAL, LLC,

Whether there has been a violation of the Consumer Loan Act of Washington by:

and WILLIAM JACK BRADLEY, CEO,

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CONSENT AGREEMENT C-16-2039-17-AG01

William Jack Bradley

No.: C-16-2039-17-AG01

CONSENT AGREEMENT FOR WILLIAM JACK BRADLEY

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through her designee Charles E. Clark, Division Director, Division of Consumer Services, and William Jack Bradley (Respondent Bradley), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Agreement solely as to Respondent Bradley. This Consent Agreement is entered pursuant to chapter 31.04 of the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

#### AGREEMENT

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Bradley have agreed upon a basis for a full and final resolution of the matters alleged in Statement of Charges No. C-16-2039-16-SC01 (Statement of Charges), entered December 12, 2016, (copy attached hereto) solely as they relate to Respondent Bradley. Pursuant to chapter 31.04 RCW, the Consumer Loan Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, Respondent Bradley hereby agrees to the Department's entry of this Consent Agreement and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Agreement solely as to Respondent Bradley. The parties agree that Respondent Bradley's decision to enter into this Consent Agreement is not an admission of wrongdoing by

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Respondent Bradley. The parties acknowledge that Respondent Bradley contends he had neither the ability nor authority to act on behalf of W.J. Bradley Mortgage Capital LLC during the time period referenced in the Statement of Charges. The parties intend this Consent Agreement to fully resolve the Statement of Charges as to Respondent Bradley.

Based upon the foregoing:

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

#### B. Waivers.

- 1) It is AGREED that Respondent Bradley has been informed of the right to a hearing before an administrative law judge, and hereby waives his right to a hearing and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
- It is AGREED that Respondent Bradley waives his right, if any, to dispute the resolution of the Statement of Charges as related to Respondent W.J. Bradley Mortgage Capital, LLC.
- 3) It is AGREED that Respondent Bradley waives his right, if any, to dispute any claim the Department may make against the surety bond of Respondent W.J. Bradley Mortgage Capital, LLC.
- C. **Investigation Fee**. It is AGREED that Respondent Bradley will pay an investigation fee of \$276 to the Department in the form of a cashier's check made payable to the "Washington State Treasurer" upon entry of this Consent Agreement. The Department will also accept payment of the \$276 in the form of a check drawn from the trust account of Respondent Bradley's legal counsel.
- D. **Non-Compliance with Agreement**. It is AGREED that Respondent Bradley understands that failure to abide by the terms and conditions of this Consent Agreement by conducting the

1	business of a consumer loan company may result in further legal action by the Director. In the event
2	of such legal action, Respondent Bradley may be responsible to reimburse the Director for the cost
3	incurred in pursuing such action, including but not limited to, attorney fees.
4	E. Voluntarily Entered. It is AGREED that Respondent Bradley has voluntarily entered
5	into this Consent Agreement, which is effective when signed by the Director's designee.
6	F. Completely Read, Understood, and Agreed. It is AGREED that Respondent Bradley
7	has read this Consent Agreement in its entirety and fully understands and agrees to all of the same.
8	G. Counterparts. This Consent Agreement may be executed by the Respondent Bradley in
9	any number of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which
10	shall be deemed to be an original, but all of which, taken together, shall constitute one and the same
11	Consent Agreement.
12	RESPONDENT:
13	_/s/
14	William Jack Bradley  Date
15	Approved as to Form:
16	_/s/
17	Kim C. Stanger, WSBA #45769 Attorney at Law
18	Holland & Hart Attorneys for Respondent Bradley
19	DO NOT WRITE BELOW THIS LINE
20	THIS AGREEMENT ENTERED THIS <u>31<sup>st</sup></u> DAY OF May, 2017.
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22	<u>/s/</u> CHARLES E. CLARK
23	Director Division of Consumer Services
24	Department of Financial Institutions  CONSENT AGREEMENT  3 DEPARTMENT OF FINANCIAL INSTITUTIONS

CONSENT AGREEMENT C-16-2039-17-AG01 William Jack Bradley DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1	Presented by:
2	/s/
3	STEVEN C. SHERMAN
4	Enforcement Chief
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#### STATE OF WASHINGTON 1 DEPARTMENT OF FINANCIAL INSTITUTIONS **DIVISION OF CONSUMER SERVICES** 2 IN THE MATTER OF DETERMINING No. C-16-2039-16-SC01 3 Whether there has been a violation of the Consumer Loan Act of Washington by: STATEMENT OF CHARGES and NOTICE OF INTENT TO ENTER AN ORDER TO REVOKE LICENSE, PROHIBIT 5 W.J. BRADLEY MORTGAGE CAPITAL, LLC. FROM INDUSTRY, IMPOSE FINE, and WILLIAM JACK BRADLEY, CEO, COLLECT ANNUAL ASSESSMENT, 6 COLLECT INVESTIGATION FEE, AND RECOVER COSTS AND EXPENSES Respondents. 7 8 INTRODUCTION 9 Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial 10 Institutions of the State of Washington (Director) is responsible for the administration of chapter 11 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to 12 RCW 31.04.145, and based upon the facts available as of the date of this Statement of Charges, the 13 Acting Director, through her designee, Division of Consumer Services Director Charles E. Clark, 14 institutes this proceeding and finds as follows: 15 I. FACTUAL ALLEGATIONS 16 1.1 Respondents. 17 a. W.J. Bradley Mortgage Capital, LLC, (Respondent W.J. Bradley) was licensed by 18 the Department of Financial Institutions of the State of Washington (Department) to conduct business 19 as a consumer loan company on or about October 26, 2007, and continues to be licensed to date. 20 b. William Jack Bradley (Respondent Bradley) was CEO of Respondent W.J. Bradley 21 during all times relevant to this Statement of Charges. 22 1.2 Failure to Pay 2015 Annual Assessment. On or about June 30, 2016, Respondents were 23 provided with notice via the Nationwide Multistate Licensing System & Registry (NMLS) that

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1	Respondent W.J. Bradley had an outstanding invoice in the amount of \$557.80 for its 2015			
2	Consumer Loan Servicing Assessment Fee. To date, Respondents have not paid the 2015			
3	Assessment.			
4	<b>1.3 Failure to File Closure Documents.</b> On or about March 31, 2016, Respondents submitted a			
5	request to surrender its Washington State consumer loan license. To date, Respondents have failed to			
6	provide to the Department required closure documents that include reporting of its 2016 consumer			
7	loan activity.			
8	1.4 Failure to Pay 2016 Annual Assessment. When a licensee ceases business, an annual report			
9	is due to the Department within 30 days of closure concerning the business operations conducted			
10	during that calendar year. To date, Respondents have failed to provide the annual report relating to			
11	its 2016 activity and failed to pay the associated annual assessment.			
12	1.5 Failure to Report Bankruptcy. On or about April 28, 2016, Respondent W. J. Bradley filed			
13	for Chapter 7 bankruptcy in the United States Bankruptcy Court District of Delaware. Respondents			
14	were required to notify the Department within ten days of filing for a Chapter 7 bankruptcy. To date			
15	Respondents have failed to notify the Department of its bankruptcy filing.			
16	1.6 License Revocation. On or about October 11, 2016, the California Department of Business			
17	Oversight revoked Respondent W.J. Bradley's Residential Mortgage Lending Act license.			
18	1.7 On-Going Investigation. The Department's investigation into the alleged violations of the			
19	Act by Respondents continues to date.			
20	II. GROUNDS FOR ENTRY OF ORDER			
21	2.1 Requirement to File Closure Report. Based on the Factual Allegations set forth in Section			
22	above, Respondents are in apparent violation of RCW 31.04.155, WAC 208-620-430, and WAC 208			
23	620-460 for failing to provide an annual report to the Director and pay the annual assessment within			
24	thirty days of closure.  STATEMENT OF CHARGES  2 DEPARTMENT OF FINANCIAL INSTITUTIONS			

1	2.2 Requirement to Pay Assessment. Based on the Factual Allegations set forth in Section I
2	above, Respondents are in apparent violation of RCW 31.04.085, WAC 208-620-430, and WAC 208-
3	620-460 for failing to pay its annual assessments.
4	2.3 Requirement Report Bankruptcy. Based on the Factual Allegations set forth in Section I
5	above, Respondents are in apparent violation of WAC 208-620-480 for failing to notify the
6	Department that it filed for bankruptcy.
7	2.4 Requirement of No Prior License Revocation or Suspension. Based on the Factual
8	Allegations set forth in Section I above, Respondents fail to meet the requirements of RCW
9	31.04.055(1)(c) by having a license issued under this section, in this state or another state, revoked or
10	suspended within the last five years of the date of filing of the application.
11	III. AUTHORITY TO IMPOSE SANCTIONS
12	3.1 Authority to Revoke License. Pursuant to RCW 31.04.093(3)(a), (b), and (c), the Director
13	may revoke a license for failure to pay any fee due to the state of Washington, for violating any
14	provision of the Act, and if a fact or condition exists that, if it had existed at the time of the original
15	application for the license, clearly would have allowed the director to deny the application for the
16	original license.
17	3.2 Authority to Prohibit from the Industry. Pursuant to RCW 31.04.093(6), the Director may
18	issue an order prohibiting from participation in the affairs of any licensee, any officer, principal,
19	employee, or any other person subject to the Act for suspension or revocation of a license to engage
20	in lending or residential mortgage loan servicing in this state or another state or for a violation of
21	RCW 31.04.155.
22	<b>3.3 Authority to Impose Fine.</b> Pursuant to RCW 31.04.093(4), the Director may impose fines of
23	up to one hundred dollars per day, per violation, upon the licensee, its employee or loan originator, or
24	any other person subject to the Act for any violation of the Act.

1	3.4 Aut	hority to Collect Annual Assessment. Pursuant to of RCW 31.04.085, WAC 208-620-
2	430, and W.	AC 208-620-460, every licensee is required to pay a fee based on the amount of business
3	conducted d	during the calendar year.
4	3.5 Aut	hority to Charge Investigation Fee. Pursuant to RCW 31.04.145(3) and WAC 208-620
5	610(7), the	Director may collect an investigation fee. Licensees will be charged \$69.01 per hour for
6	the investiga	ation.
7	3.6 Aut	hority to Recover Costs and Expenses. Pursuant to RCW 31.04.205(2), the Director
8	may recover	r the state's costs and expenses for prosecuting violations of the Act.
9		IV. NOTICE OF INTENTION TO ENTER ORDER
10	Resp	oondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
11	as set forth	in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
12	Sanctions, c	constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and
13	RCW 31.04	.205. Therefore, it is the Acting Director's intent to ORDER that:
14	4.1	Respondent W.J. Bradley Mortgage Capital, LLC's, license to conduct the business of a consumer loan company be revoked.
<ul><li>15</li><li>16</li></ul>	4.2	Respondent W.J. Bradley Mortgage Capital, LLC, be prohibited from participation in the conduct of the affairs of any consumer loan company subject to licensure by the Director, in any manner, for a period of five years.
<ul><li>17</li><li>18</li></ul>	4.3	Respondent William Jack Bradley be prohibited from participation in the conduct of the affairs of any consumer loan company subject to licensure by the Director, in any manner, for a period of five years.
<ul><li>19</li><li>20</li></ul>	4.4	Respondents W.J. Bradley Mortgage Capital, LLC, and William Jack Bradley jointly and severally pay a fine. As of the date of this Statement of Charges, the fine totals \$5,000.
<ul><li>21</li><li>22</li></ul>	4.5	Respondents W.J. Bradley Mortgage Capital, LLC, and William Jack Bradley pay the 2015 annual assessment in the amount of \$557.80.
23	4.6	Respondents W.J. Bradley Mortgage Capital, LLC, and William Jack Bradley pay the 2016 annual assessment in an amount to be determined but at least \$557.80.

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1 2	4.7	Respondents W.J. Bradley Mortgage Capital, LLC, and William Jack Bradley jointly and severally pay an investigation fee. As of the date of this Statement of Charges, the investigation fee totals \$276.
3	4.8	Respondents W.J. Bradley Mortgage Capital, LLC, and William Jack Bradley
4		maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent W.J. Bradley Mortgage Capital, LLC's, consumer loan business, and the name, address and
5		telephone number of the individual responsible for maintenance of such records in compliance with the Act.
6	4.0	
7	4.9	Respondents W.J. Bradley Mortgage Capital, LLC, and William Jack Bradley jointly and severally pay the Department's costs and expenses for prosecuting violations of the Act in an amount to be determined at hearing or by declaration with supporting
8		documentation in event of default by Respondents.
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### V. AUTHORITY AND PROCEDURE

2	This Statement of Charges and Notice of Intent to Enter an Order to Revoke License, Prohibit
3	From Industry, Impose Fine, Collect Annual Assessment, Collect Investigation Fee, and Recover
4	Costs and Expenses (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093,
5	RCW 31.04.165, RCW 31.04.202, and RCW 31.04.205, and is subject to the provisions of chapter
6	34.05 RCW (The Administrative Procedure Act). Respondents 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.
9	Dated this 12 <sup>th</sup> day of December, 2016.
10	<u>/s/</u> CHARLES E. CLARK
11	Director Division of Consumer Services
12	Department of Financial Institutions
13	Presented by:
14	/s/
15	DEBORAH TAELLIOUS Financial Legal Examiner Supervisor
16	Approved by:
17	_/s/
18	STEVEN C. SHERMAN Enforcement Chief
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