

Terms Complete
ORDER SUMMARY – Case Number: C-14-1506

Name(s): Kevin P. Brannan

Order Number: C-14-1506-14-FO01

Effective Date: January 9, 2015

License Number: DFI: 87407 NMLS ID: 919685
Or NMLS Identifier [U/L] _____

License Effect: Revoked

Not Apply Until: January 9, 2022

Not Eligible Until: January 9, 2022

Prohibition/Ban Until: January 9, 2022

Investigation Costs	\$	Due	Paid <input 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: _____

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF INVESTIGATING the
Mortgage Loan Originator License Application
under the Consumer Loan Act of Washington by:

No.: C-14-1506-14-FO01

FINAL ORDER

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KEVIN P. BRANNAN,
NMLS #919685,

Respondent.

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I. DIRECTOR'S CONSIDERATION

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A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On July 18, 2014, the Director, through the Director's designee at that time, Deborah Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit from Industry (Statement of Charges) against Kevin P. Brannan (Respondent). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated December 4, 2014, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing (collectively, accompanying documents).

On December 4, 2014, the Department served Respondent with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight service. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service. The documents sent by Federal Express overnight service were delivered on December 5, 2014.

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 his review and
5 for entry of a final decision included the Statement of Charges, cover letter dated December 4, 2014,
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing, 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 Kevin P. Brannan's mortgage loan originator license is revoked.
- 15 2. Respondent Kevin P. Brannan is prohibited from participation in the conduct of
16 the affairs of any consumer loan company licensed by the Director, in any manner,
17 for seven years.

18 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
19 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
20 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
21 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
22 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
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1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
2 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

12 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
13 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
14 attached hereto.

15 DATED this 9th day of January, 2015.



17 STATE OF WASHINGTON
18 DEPARTMENT OF FINANCIAL INSTITUTIONS

19 [Redacted Signature]
20 CHARLES E. CLARK
21 Director
22 Division of Consumer Services

1 **1.2 Criminal Acts.** On or about November 6, 2013, Respondent was indicted in the Court of
2 Common Pleas, Cuyahoga County, Ohio, and charged with three felony counts under Case No.: CR-
3 13-579371-E. On or about January 15, 2014, Respondent pled guilty to these charges.

4 **1.3 Responses to Application Questions.** The “Criminal Disclosure” section of the Uniform
5 Individual Mortgage License/Registration & Consent form (Form MU4) consists of eight questions.
6 The required New Application Checklist includes the following instruction: “Provide complete
7 details of all events or proceedings for any “Yes” answer to any of the disclosure questions on your
8 MU4 filing.” Respondent answered “no” to the following questions on the “Criminal Disclosure”
9 section of his Form MU4:

- 10 • Have you ever been convicted of or pled guilty or nolo contendere (“no contest”) in a
11 domestic, foreign, or military court to any felony?
- 12 • Are there pending charges against you for any felony?

13 Respondent was obligated by statute to answer questions on his Form MU4 truthfully and to provide
14 the Department with complete details of all events or proceedings. Respondent attested under penalty
15 of perjury to the accuracy and completeness of his Form MU4, and to keep the information in his
16 Form MU4 current. Respondent did not disclose to the Department the pending felony charges
17 identified in Section 1.2 at any time between his arraignment on or about November 27, 2013, and
18 the approval of his license application by the Department on or about December 9, 2013. To date,
19 Respondent has not disclosed to the Department that he pled guilty to these charges.

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

21 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above,
22 Respondent is in apparent violation of RCW 31.04.241(2) for not furnishing information pertaining
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1 to personal history and experience in a form prescribed by the Nationwide Mortgage Licensing
2 System and Registry.

3 **2.2 Requirement to Update Disclosure Questions.** Based on the Factual Allegations set forth in
4 Section I above, Respondent is in apparent violation of WAC 208-620-710(27)(a), (d) for failing to
5 notify the Director through amendment to the Nationwide Mortgage Licensing System and Registry
6 within 10 business days of any change in the information supplied to the Director in the original
7 application.

8 III. AUTHORITY TO IMPOSE SANCTIONS

9 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3), the Director may revoke a
10 license if a licensee either knowingly or without exercise of due care, has violated any provision of
11 the Act or any rule adopted under the Act.

12 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 31.04.093(6), the Director may
13 issue orders prohibiting from participation in the conduct of the affairs of any licensee, any employee
14 or loan originator of any person subject to this chapter for conviction of a felony.

15 IV. NOTICE OF INTENTION TO ENTER ORDER

16 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
17 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
18 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.055, RCW 31.04.093, RCW
19 31.04.165, RCW 31.04.168, and RCW 31.04.247. Therefore, it is the Director's intention to ORDER
20 that:

21 **4.1** Respondent Kevin P. Brannan's mortgage loan originator license be revoked.

22 **4.2** Respondent Kevin P. Brannan be prohibited from participation in the conduct of the
23 affairs of any consumer loan company subject to licensure by the Director, in any
manner, for seven years.

1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 31.04.093, RCW
3 31.04.165, RCW 31.04.168, and RCW 31.04.202, and is subject to the provisions of chapter 34.05
4 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

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8 Dated this 18th day of July, 2014.



9 [Redacted Signature]

10 DEBORAH BORTNER
11 Director
12 Division of Consumer Services
13 Department of Financial Institutions

14 Presented by:

[Redacted Signature]

15 KENNETH J. SUGIMOTO
16 Financial Legal Examiner

17 Approved by:

[Redacted Signature]

18 STEVEN C. SHERMAN
19 Financial Legal Examiner Supervisor