

**Terms Complete**  
**CONSENT ORDER SUMMARY**  
**Case Number: C-09-338**

**Name(s)** STEVEN BUESSE  
\_\_\_\_\_  
\_\_\_\_\_

**Order Number** C-09-338-10-CO01  
\_\_\_\_\_

**Effective Date** 03/08/10  
\_\_\_\_\_

**License Number** \_\_\_\_\_  
(Revoked, suspended, stayed, application denied or withdrawn)  
If applicable, you must specifically note the ending dates of terms.

**License Effect** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Not Apply until** MARCH 9, 2020  
\_\_\_\_\_

**Prohibition/Ban until** MARCH 9, 2020  
\_\_\_\_\_

Investigation Costs				
	\$240	Due	Paid YES	Date

Assessment(s)				
	\$	Due	Paid Y N	Date

Monetary Penalty				
	\$	Due	Paid Y N	Date

**Other** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Special Instructions** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1  
2  
3  
4  
5  
6

**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:  
  
STEVEN BUESSE, Unlicensed Loan Originator,  
  
Respondent.

NO. C-09-338-10-CO01

CONSENT ORDER

7  
8  
9  
10  
11  
12

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Steven Buesse, (hereinafter Respondent Buesse), 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:

13  
14

**AGREEMENT AND ORDER**

15  
16  
17  
18  
19  
20

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-09-338-09-SC01 (Statement of Charges), entered October 19, 2009, (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.

21  
22

Based upon the foregoing:

23

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

24  
25

B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing before an administrative law judge, and that he hereby waives his right to a hearing and any and all administrative

CONSENT ORDER  
C-09-338-10-CO01  
STEVEN BUESSE

1

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

1 and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, by signing  
2 below, the Respondent withdraws his appeal in the above-captioned matter.

3       **C. Prohibition from Industry.** It is AGREED that Respondent is prohibited from participating in the  
4 conduct of the affairs of any mortgage broker licensed by the Department or any person subject to licensure or  
5 regulation by the Department for 10 years from the date this Consent Order is entered, in any capacity, including  
6 but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal,  
7 designated broker, employee, or loan originator or (3) any management, control, oversight or maintenance of any  
8 trust account(s) in any way related to any residential mortgage transaction or (4) receiving, disbursing, managing  
9 or controlling in any way, consumer trust funds in any way related to any residential mortgage transaction.

10       **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
11 of \$240, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
12 Consent Order.

13       **E. No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of  
14 Charges and agree that Respondent does not admit to any wrongdoing by its entry.

15       **F. Cooperation with Department.** It is AGREED that Respondent shall cooperate and freely,  
16 voluntarily, and truthfully provide information or testimony, if called upon, regarding his relationship with, and  
17 the business practices of American Lending Group.

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

22       **H. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
23 this Consent Order, which is effective when signed by the Director's designee.  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

**RESPONDENT:**

Steven Buesse

By: [Redacted Signature]

Steven Buesse  
Individual

2-28-10  
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 8<sup>th</sup> DAY OF March, 2010.

[Redacted Signature]  
DEBORAH BORTNER  
Director, Division of Consumer Services  
Department of Financial Institutions

Presented by:

[Redacted Signature]  
WILLIAM HALSTEAD  
Financial Legal Examiner

Approved by:

[Redacted Signature]  
JAMES R. BRUSSELBACK  
Enforcement Chief



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**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:  
  
STEVEN BUESSE, Unlicensed Loan Originator,  
  
Respondent.

NO. C-09-338-09-SC01

STATEMENT OF CHARGES and NOTICE OF  
INTENTION TO ENTER AN ORDER TO  
PROHIBIT FROM INDUSTRY, IMPOSE FINE,  
COLLECT INVESTIGATION FEE, AND ORDER  
RESTITUTION

**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)<sup>1</sup>. After having conducted an investigation pursuant to RCW 19.146.235 and .310, and based upon the facts available as 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 Respondent Steven Buesse (Respondent Buesse)** worked for American Lending Group, Inc.<sup>2</sup> as a loan originator at all times relevant to this Statement of Charges. Respondent Buesse has never applied for a loan originator license with the Department.

**1.2 Loan Originator License.** In order to conduct business as a loan originator in 2008, Respondent Buesse was required to obtain and maintain a loan originator license before January 1, 2008. Respondent Buesse did not obtain a loan originator license and as a result could not conduct the business of a loan originator.

//

//

---

<sup>1</sup> RCW 19.146 (2006).

<sup>2</sup> The Department has issued a Statement of Charges (C-09-162-09-SC01) against American Lending Group Inc. that includes an allegation of allowing Respondent Buesse to originate loans while not licensed.

1 **1.3 Unlicensed Loan Originator Activity.** Respondent Buesse conducted the business of a loan originator  
2 from 22 Richmond Center Ct. St. Peters, Missouri, when he originated at least 5 residential mortgage loans<sup>3</sup>  
3 between January 9, 2008, and October 6, 2008, for borrowers with property located in the state of Washington.

4 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
5 Respondent continues to date.

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

7 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010 (12) and WAC 208-660-006,  
8 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or  
9 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential  
10 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a  
11 person in obtaining or applying to obtain a residential mortgage loan.

12 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010 (10), "Loan Originator" means a natural  
13 person who (a) takes a residential mortgage loan application for a mortgage broker, or (b) offers or negotiates  
14 terms of a mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect  
15 compensation or gain.

16 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010 (3) and WAC 208-660-006, a "Borrower" is  
17 defined as any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or  
18 seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or  
19 persons including himself or herself, regardless of whether the person actually obtains such a loan.

20 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent Buesse is  
21 in apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device  
22 or artifice to defraud or mislead borrowers or lenders or any person, for engaging in an unfair or deceptive  
23 practice toward any person, and for obtaining property by fraud or misrepresentation.

24 //

25 //

<sup>3</sup> Loan numbers CA21646, CA21650, ALG21796, 185902458, and 1609853.

1 **2.5 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section  
2 I above, Respondent Buesse is in apparent violation of RCW 19.146.200 for engaging in the business of a loan  
3 originator without first obtaining and maintaining a license under the Act.

### 4 III. AUTHORITY TO IMPOSE SANCTIONS

5 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue  
6 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed  
7 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker  
8 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) and  
9 RCW 19.146.200.

10 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), and (3)(a), the Director may impose  
11 fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any  
12 violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW  
13 19.146.200, RCW 19.146.205(4), or RCW 19.146.265, or any violation of the Act.

14 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228 (2), WAC 208-660-520, and  
15 WAC 208-660-550(5), upon completion of any investigation of the books and records of a licensee or other person  
16 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover  
17 the cost of the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff  
18 person devoted to the investigation.

19 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220 (2)(e), the Director may issue orders  
20 directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution for any  
21 violation of the Act.

### 22 IV. NOTICE OF INTENTION TO ENTER ORDER

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

Director's intention to ORDER that:

- 1 4.1 Respondent Steven Buesse be prohibited 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 years;
- 2
- 3 4.2 Respondent Steven Buesse pay a fine of \$2,500;
- 4 4.3 Respondent Steven Buesse pay an investigation fee, which as of the date of these charges is \$240 calculated at \$48 per hour for 5 staff hours devoted to the investigation; and
- 5 4.4 Respondent Steven Buesse pay restitution in an amount to be determined at hearing.

6 **V. AUTHORITY AND PROCEDURE**

7 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose  
8 Fine, Collect Investigation Fee, and Order Restitution (Statement of Charges) is entered pursuant to the  
9 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19:146.230, and is subject to  
10 the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written  
11 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY  
12 FOR HEARING accompanying this Statement of Charges.

13 Dated this 19<sup>th</sup> day of October, 2009.


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

18 Presented by:

19   
20 WILLIAM HALSTEAD  
21 Financial Legal Examiner



22 Approved by:

23   
24 JAMES R. BRUSSELBACK  
25 Enforcement Chief