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

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IN THE MATTER OF DETERMINING

Whether there has been a violation of the

John H. White,

Mortgage Broker Practices Act of Washington by:

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FINAL ORDER -John H. White C-04-009-07-F001 NO. C-04-009-07-FO01

FINAL ORDER

John H. White

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Respondent.

## I. DIRECTOR'S CONSIDERATION

A. <u>Default</u>. 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 Acting Director Deborah Bortner, pursuant to RCW 34.05.440(1). On February 7, 2006, the Director through his designee Consumer Services Division Director Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry and Collect Investigation Fee (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference.

On October 23, 2006, John H. White (Respondent) failed to appear for a scheduled hearing in this matter before Administrative Law Judge Nazih Girgis (ALJ Girgis), with the Washington State Office of Administrative Hearings. ALJ Girgis found that the Respondent had been properly notified and had failed to appear for the hearing. ALJ Girgis ordered that the Respondent was in default and the proceedings were dismissed.

B. <u>Record Presented</u>. The record presented to the Director's designee for her review and for entry of a final decision included the following:

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- 1. Statement of Charges and cover letter dated February 7, 2006; and
- 2. Final Order Dismissing Proceeding Due to Appellant Default, in Doc. No. 2006-DFI-0010, DFI No. C-04-009-06-SC01.
- C. <u>Factual Findings and Grounds For Order.</u> Pursuant to RCW 34.05.440(1), the Director hereby adopts the Statement of Charges, which is attached hereto.

## II. FINAL ORDER

Based upon the foregoing, and the Director, through his designee, having considered the record and being otherwise fully advised, NOW, THEREFORE:

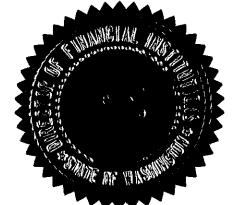
## A. IT IS HEREBY ORDERED, That:

- 1. Respondent John H. White be prohibited from participation in the conduct of the affairs of any licensed mortgage broker, in any manner, from the date of this Order, for a period of seven (7) years; and
- 2. Respondent John H. White shall pay an investigation fee in the amount of \$272.69 calculated at \$47.78 per hour for 5.5 staff hours devoted to the investigation.
- B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

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

- C. <u>Stay of Order.</u> The Director's designee has determined not to consider a Petition to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.
- D. <u>Judicial Review</u>. Respondent has the right to petition the superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW 34.050.510 and sections following.
- E. <u>Non-compliance with Order</u>. If you do not comply with the terms of this order, the Department may seek its enforcement by the Office of Attorney General including the collection of the fees imposed herein.
- F. <u>Service.</u> For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

DATED this 12 day of February, 2007.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

DÉBORAH BORTNER ACTING DIRECTOR

DIVISION OF CONSUMER SERVICES
DEPARTMENT OF FINANCIAL INSTITUTIONS

FINALORDER - John H. White C-04-009-07-F001