



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Consumer Loan Act of Washington by:

NO. C-05-175-09-FO01

OCEAN WEST ENTERPRISES, INC., d/b/a OCEAN  
WEST FUNDING, and MARSHALL STEWART,  
President and Owner, and DARYL MEDDINGS,  
Executive Vice President and Owner,  
Respondents.

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

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 Deborah Bortner, pursuant to RCW 34.05.440(1). On February 6, 2006, the Director, through former Consumer Services Division Director Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, and Collect Investigation Fee (Statement of Charges). 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 February 6, 2006, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Ocean West Enterprises, Inc., d/b/a Ocean West Funding; Marshall Stewart; and Daryl Meddings. The Department served the Statement of Charges, cover letter dated February 6, 2006, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Ocean West Enterprises, Inc., d/b/a Ocean West Funding; Marshall Stewart; and Daryl Meddings on Respondents on February 6, 2006, by First-Class

1 mail and Federal Express overnight delivery. On February 6, 2006, the documents sent via Federal  
2 Express overnight delivery were delivered. The documents sent via First-Class mail were not returned  
3 to the Department by the United States Postal Service.

4 On November 16, 2006, the Department entered into Consent Orders with Respondents  
5 Stewart and Meddings resolving the Statement of Charges with respect to those Respondents. In or  
6 around 2004, Respondent Ocean West Enterprises, Inc., d/b/a Ocean West Funding, was sold to  
7 Consumer Direct of America. Consumer Direct of America is now known as Shearson Financial  
8 Network, Inc. Respondent Ocean West Enterprises, Inc. d/b/a Ocean West Funding was  
9 administratively dissolved.

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11 The Department again served the Statement of Charges, cover letter dated February 6, 2006,  
12 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for  
13 Adjudicative Hearing for Ocean West Enterprises, Inc., d/b/a Ocean West Funding; Marshall Stewart;  
14 and Daryl Meddings on Respondent Ocean West Enterprises, Inc., d/b/a Ocean West Funding on June  
15 23, 2009, by First-Class mail and Federal Express overnight delivery to Harry Kraatz, the Chairman  
16 and Chief Executive Officer of Shearson Financial Network, Inc., the parent company of Respondent  
17 Ocean West Enterprises, Inc. d/b/a Ocean West Funding. On June 24, 2009, the documents sent via  
18 Federal Express overnight delivery were delivered. The documents sent via First-Class mail were not  
19 returned to the Department by the United States Postal Service.

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21 Respondent Ocean West Enterprises, Inc. d/b/a Ocean West Funding did not request an  
22 adjudicative hearing within twenty calendar days after the Department served it with the Notice of  
23 Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

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

- 4  
5 1. Statement of Charges;  
6 2. Cover letter dated February 6, 2006;  
7 3. Notice of Opportunity to Defend and Opportunity for Hearing; and  
8 4. Blank Applications for Adjudicative Hearing for Ocean West Enterprises, Inc., d/b/a  
9 Ocean West Funding; Marshall Stewart; and Daryl Meddings, with documentation of  
10 service.

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

13 II. FINAL ORDER

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

16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondent Ocean West Enterprises, Inc., d/b/a Ocean West Funding's license to  
18 conduct the business of a Consumer Lender is revoked;  
19 2. Respondent Ocean West Enterprises, Inc., d/b/a Ocean West Funding pay a fine of  
20 \$3,750;  
21 3. Respondent Ocean West Enterprises, Inc., d/b/a Ocean West Funding pay an  
22 investigation fee of \$224.28; and  
23 4. Respondent Ocean West Enterprises, Inc., d/b/a Ocean West Funding maintain  
24 records in compliance with the Act and provide the Director with the location of the  
25 books records and other information relating to Respondent Ocean West Enterprises,  
Inc., d/b/a Ocean West Funding's consumer loan company business, and the name,  
address and telephone number of the individual responsible for maintenance of such  
records in compliance with the Act.

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

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

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

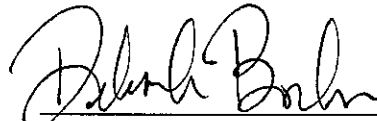
15 D. Judicial Review. Respondent Ocean West Enterprises, Inc. d/b/a Ocean West  
16 Funding has the right to petition the superior court for judicial review of this agency action under the  
17 provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see  
18 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 Attorney General to include the collection of the  
21 fines, fees and restitution imposed herein.  
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1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
2 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
3 attached hereto.

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5 DATED this 10<sup>th</sup> day of September, 2009.

6 STATE OF WASHINGTON  
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

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10 DEBORAH BORTNER  
11 DIRECTOR  
12 DIVISION OF CONSUMER SERVICES  
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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Consumer Loan Act of Washington by:

NO. C-05-175-06-SC01

OCEAN WEST ENTERPRISES, INC., dba  
OCEAN WEST FUNDING, and MARSHALL  
STEWART, President and Owner, and DARYL  
MEDDINGS, Executive Vice President and  
Owner,

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO REVOKE LICENSE, IMPOSE FINE,  
AND COLLECT INVESTIGATION FEE

Respondents.

**INTRODUCTION**

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, and based upon the facts available as of February 6, 2006, the Director institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Ocean West Enterprises, Inc., dba Ocean West Funding** (Respondent Ocean West) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a Consumer Loan Company on December 4, 1997, and has continued to be licensed to date.

B. **Marshall Stewart** (Respondent Stewart) is President and Owner of Respondent Ocean West.

C. **Daryl Meddings** (Respondent Meddings) is Executive Vice President and Owner of Respondent Ocean West.

**1.2 Failure to Maintain Bond.** On June 22, 2005, the Department received notice from Travelers Casualty and Surety Company of America that Respondent Ocean West's surety bond would be cancelled

effective August 1, 2005. To date, Respondents have failed to notify the Department of the cancellation of the surety bond, and have failed to provide the required surety bond or an approved alternative.

**1.3 Failure to Respond to Directive.** On June 22, 2005, the Department served a directive on Respondents via first class mail. This directive was not returned. The directive required Respondents to provide the Department with a replacement bond in the appropriate amount. On June 22, 2005, the Department also successfully sent correspondence to Respondents by facsimile notifying Respondents of the cancellation of Respondent Ocean West's surety bond. To date, the Department has not received a response to any of the above correspondence.

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

## II. GROUNDS FOR ENTRY OF ORDER

**2.1 Requirement to Maintain Surety Bond:** Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.04.045(3) and WAC 208-620-030(1) for failing to file and maintain a surety bond or approved alternative with the Director.

**2.2 Authority to Charge Examination and Investigation Fees:** Pursuant to RCW 31.04.145(3), WAC 208-620-180(1), WAC 208-620-190(2) and WAC 208-620-191, every licensee examined or investigated by the Director or the Director's designee shall pay for the cost of the examination or investigation, calculated at the rate of sixty-nine dollars and one cent (\$69.01) per staff hour.

**2.3 Authority to Revoke License:** Pursuant to RCW 31.04.093(3)(a) and (b), the Director may revoke a license if a licensee fails maintain in effect the required bond or permitted substitute, fails to comply with any specific order or demand of the Director, violates any provision of the Act or any rule adopted under the Act. Pursuant to RCW 31.04.093(3)(c), the Director may revoke a license if a fact or condition exists that, if it had existed at the time of the original application for the license, clearly would have allowed the director to deny the application for the original license.

1 **2.4 Authority to Impose Fine:** Pursuant to RCW 31.04.093(4), the Director may impose fines of up to one  
2 hundred dollars per day upon the licensee for any violation of the Act or failure to comply with any order or  
3 subpoena issued by the Director under the Act.  
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### 5 **III. NOTICE OF INTENTION TO ENTER ORDER**

6 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as set forth in  
7 the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under  
8 RCW 31.04.093, RCW 31.04.165 and RCW 31.04.205. Therefore, it is the Director's intention to ORDER that:  
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10 **3.1** Respondent Ocean West Enterprises, Inc., dba Ocean West Funding's license to conduct the business of a  
consumer loan company be revoked; and

11 **3.2** Respondents Ocean West Enterprises, Inc., dba Ocean West Funding, Respondent Marshall Stewart, and  
Respondent Daryl Meddings jointly and severally pay a fine of \$3,750.00 for:  
12 **a.** Violating RCW 31.04.045, calculated at \$50 per day for 30 days; and  
13 **b.** Failing to comply with a directive of the Director, calculated at \$75 per day for 30 days.

14 **3.3** Respondents Ocean West Enterprises, Inc., dba Ocean West Funding, Respondent Marshall Stewart, and  
Respondent Daryl Meddings jointly and severally pay an investigation fee in the amount of \$224.28,  
15 calculated at \$69.01 per hour for the three and one quarter (3.25) staff hours devoted to the investigation;  
and

16 **3.4** Respondents maintain records in compliance with the Act and provide the Director with the location of the  
books, records and other information relating to Respondent Ocean West Enterprises, Inc., dba Ocean West  
17 Funding's consumer loan company business, and the name, address and telephone number of the individual  
responsible for maintenance of such records in compliance with the Act.  
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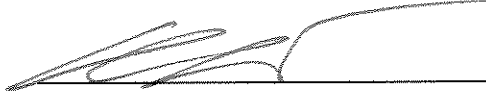


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#### IV. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke Consumer Loan License, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202 and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 6th day of February, 2006.


  
CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
RAYNE TRONSET-MOORE  
Financial Legal Examiner



Approved by:

  
JAMES R. BRUSSELBACK  
Enforcement Chief

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

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IN THE MATTER OF DETERMINING:  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

C-05-175-06-SC01

OCEAN WEST ENTERPRISES, INC., dba  
OCEAN WEST FUNDING, and MARSHALL  
STEWART, President and Owner, and DARYL  
MEDDINGS, Executive Vice President and  
Owner,  
Respondents.

NOTICE OF OPPORTUNITY TO DEFEND  
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

Ocean West Enterprises, Inc. dba Ocean West Funding  
Marshall Stewart  
Daryl Meddings

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department  
of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the  
Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is  
deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY  
THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE  
YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the  
hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal  
as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing  
will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges  
is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege  
recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine  
those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by

1 subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter  
2 appointed at no cost to you, as discussed below.

3 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-  
4 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for  
5 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate  
6 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN  
7 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request  
8 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative  
9 Hearing form.

10 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the  
11 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will  
12 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the  
13 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of  
14 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the  
15 attached Application for Adjudicative Hearing to:

16 Department of Financial Institutions, Division of Consumer Services  
17 Attn: Steven C. Sherman  
18 PO Box 41200  
Olympia, Washington 98504-1200

19 Dated this 10th day of February 2006.



22 CHUCK CROSS  
23 Director  
24 Division of Consumer Services  
25 Department of Financial Institutions