

Terms Completed

ORDER SUMMARY – Case Number: C-07-079

Name(s): Joshua J. Tillman

Order Number: C-07-079-07-CO01

Effective Date: June 3, 2008

License Number: DFI: 35780

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect: It is AGREED that Respondent voluntarily withdrew his loan originator license application.

Not Apply Until: September 20, 2008

Not Eligible Until:

Prohibition/Ban Until:

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**

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

JOSHUA J. TILLMAN,

Respondent.

NO. C-07-079-07-CO01

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Joshua J. Tillman (hereinafter Respondent) by and through his attorney Robert J. Penfield, and finding that the issues raised in the 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:

AGREEMENT AND ORDER

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-07-079-07-SC01 (Statement of Charges), issued entered March 30, 2007, (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.

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

B. Waiver of Hearing. It is AGREED that Respondent has been informed of the right to a hearing before an administrative law judge, and will waive his right to a hearing and any and all administrative and judicial review

CONSENT ORDER
C-07-079-07-CO01
JOSHUA J. TILLMAN

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

ORIGINAL

1 of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent agrees to withdraw
2 his appeal and to inform the Office of Administrative Hearings in writing of his withdrawal.

3 **C. No Longer Operating as a Loan Originator.** It is AGREED that Respondent represents that he
4 stopped operating as a loan originator requiring a license as of the date he was served with the Statement of
5 Charges, April 3, 2007, and is not operating as a loan originator requiring a license. Further, Respondent
6 UNDERSTANDS and AGREES:

- 7 1. Any loans originated by Respondent from April 3, 2007 forward, within the State of
8 Washington, will be in violation of the Mortgage Brokers Practices Act, RCW 19.146,
9 unless Respondent is otherwise exempt.
- 10 2. He is not eligible for licensure as a loan originator and if he wishes to operate as a loan
11 originator requiring licensure when he becomes eligible, he will apply for a loan
12 originator license required under chapter 19.146 RCW.
- 13 3. Before he can operate as a loan originator, he must obtain the required license from the
14 Department, unless otherwise exempt.
- 15 4. He will not be eligible to file a loan originator license application and will not file a
16 loan originator license application until September 20, 2008.

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18 **D. Withdrawal of Loan Originator License Application.** It is AGREED that Respondent voluntarily
19 withdrew his loan originator license application.

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


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

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

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4 **RESPONDENT:**

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6 
Joshua J. Tillman

5/31/08
Date


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8 
9 Robert J. Penfield
10 Kelley Penfield, PLLC
11 WSBA #25081
Attorney at Law
Attorney for Respondent

5/31/08
Date

12 **DO NOT WRITE BELOW THIS LINE**

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14 THIS ORDER ENTERED THIS 3rd DAY OF June, 2008 ^{DS}




DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

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

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

JOSHUA J. TILLMAN,

Respondent.

NO. C-07-079-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION

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)¹. After having conducted an investigation pursuant to RCW 19.146.310, and based upon the facts available as of the date of this Statement of Charges and Notice of Intention to Enter an Order to Deny License Application, 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 Joshua J. Tillman (Respondent Tillman) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Metropolitan Mortgage, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 15, 2006.

1.2 Prior Criminal Acts. On or about September 20, 2001, Respondent Tillman was convicted in the Superior Court of Washington for Snohomish County, Cause No. 01-1-01443-3, of Assault in the Second Degree, a felony pursuant to RCW 9A.021.

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¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement of No Prior Convictions. Based on the Factual Allegations set forth in Section I above, Respondent Tillman fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by having been convicted of a felony within seven years of the filing of the present application.

2.2 Requirement to Demonstrate Character and General Fitness. Based on the Factual Allegations set forth in Section I above, Respondent Tillman fails to meet the requirements of RCW 19.146.310(1)(g) and WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly and fairly within the purposes of the Act.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Deny Application for Loan Originator License. Pursuant to RCW 19.146.220(1), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application of the denial.

IV. NOTICE OF INTENTION TO ENTER ORDER

Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

Therefore, it is the Director's intention to ORDER that:

4.1 Respondent Joshua J. Tillman's application for a loan originator license be denied.

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V. AUTHORITY AND PROCEDURE

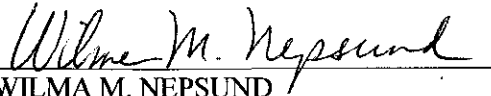
This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent 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 20th day of March, 2007.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



WILMA M. NEPSUND
Financial Examiner

Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief

