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

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CONSENT ORDER C-07-136-10-CO01 CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE FINANCIAL GROUP, and SHELDON LANE HARMON

IN THE MATTER OF DETERMINING

Whether there has been a violation of the

Mortgage Broker Practices Act of Washington by:

CROWN POINT ENTERPRISES, INC. d/b/a

SHELDON LANE HARMON, Owner, President,

LIGHTHOUSE FINANCIAL GROUP, and

and Designated Broker,

NO. C-07-136-10-CO01

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Crown Point Enterprises, Inc. d/b/a Lighthouse Financial Group (Respondent Crown Point), and Sheldon Lane Harmon, owner, President and Designated Broker (Respondent Harmon), 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:

#### AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-136-10-SC01 (Statement of Charges), entered February 2, 2010, (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, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the abovecaptioned 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. Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

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

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

Based upon the foregoing.

B. Waiver of Hearing. It is AGREED that Respondents have been informed of the right to a hearing before an administrative law judge, and that they hereby waive their right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, by signing below, the Respondents withdraw their appeal in the above-captioned matter.

C. Revocation. It is AGREED that Respondent Crown Point's mortgage broker license (number 23261) is revoked.

- D. **Prohibition from Industry.** It is AGREED that Respondents are prohibited from participating in the conduct of the affairs of any entity (escrow agent, mortgage broker, money transmitter, consumer loan company, check casher or seller) required to be licensed by the Department or any person subject to licensure or regulation by the Department for 10 years from the date of entry of this Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, designated broker, employee, or loan originator or (3) any management, control, oversight or maintenance of any trust account(s) in any way related to any residential mortgage transaction or (4) receiving, disbursing, managing or controlling in any way, consumer trust funds in any way related to any residential mortgage transaction.
- E. Application for License. It is AGREED that Respondents shall not apply to the Department for any license under any name for a period of 10 years from the date of entry of this Consent Order. It is further AGREED that, should Respondents apply to the Department for any license under any name at any time later than 10 years from the date of entry of this Consent Order, Respondents shall be required to meet any and all application requirements in effect at that time.

CONSENT ORDER C-07-136-10-CO01 CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE FINANCIAL GROUP, and SHELDON LANE HARMON

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

1	RESPONDENTS:  CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE
2	FINANCIAL GROUP and SHELDON LANE HARMON  By:
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4	SHELDON LANE HARMON Date
5	Owner, President, and Designated Broker of Respondent Crown Point
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7	5-26-10
8.	SHELDON LANE HARMON, Individually  Date
9	DO NOT WRITE BELOW THIS LINE
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11	THIS ORDER ENTERED THIS DAY OF, 2010.
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13	John Port
14	DEBORAH BORTNER Director
15	Division of Consumer Services Department of Financial Institutions
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17	Presented by:
18	I hat
19	WILLIAM RALSTEAD
20	Financial Legal Examiner
21	Approved by:
22	Sama Ryune is well
23	JAMES R. BRUSSELBACK
24	Enforcement Chief
25	

CONSENT ORDER
C-07-136-10-C001
CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE
FINANCIAL GROUP, and SHELDON LANE HARMON

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

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

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STATEMENT OF CHARGES C-07-136-10-SC01 CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE FINANCIAL GROUP, and SHELDON LANE HARMON NO. C-07-136-10-SC01

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

Respondents.

#### 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). After having conducted an investigation pursuant to RCW 19.146.235, 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 Respondents.

IN THE MATTER OF DETERMINING

Whether there has been a violation of the

Mortgage Broker Practices Act of Washington by:

SHELDON LANE HARMON, Owner, President,

CROWN POINT ENTERPRISES, INC. d/b/a

LIGHTHOUSE FINANCIAL GROUP, and

and Designated Broker,

- A. Crown Point Enterprises d/b/a Lighthouse Financial Group (Respondent Crown Point) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on April 12, 2002, and has continued to be licensed to date. Respondent Crown Point is licensed to conduct the business of a mortgage broker at 4001 Main Street, Vancouver, Washington.
- B. **Sheldon Lane Harmon** (Respondent Harmon) is the owner, President and Designated Broker of Respondent Crown Point. Respondent Harmon was named Designated Broker of Respondent Crown Point on April 12, 2002, and has continued as Designated Broker to date. Respondent Harmon was issued a loan originator license on January 8, 2007, which expired on December 31, 2009.

1.2 Examination. On July 21, 2008, the Department conducted an examination of the records of Respondent Crown Point. The Department's examination covered a timeframe from May 31, 2006, through June 30, 2008, and included the review of approximately 55 loan files. As a result of the examination, and subsequent investigation, the Department discovered violations of the Act as outlined below.

1.3 Occupancy Misrepresentation. Respondents completed at least one refinance and purchase for the same borrower (S.G.) on different properties while submitting both as owner-occupied to separate lenders. The loans were presented to two separate lenders simultaneously in an effort to have both loans approved without the lenders having accurate information concerning the other outstanding loan.

1.4 Failure to Provide Borrowers with Complete and Accurate Disclosures. Respondents did not provide accurate Truth-In-Lending (TIL) disclosures on 2 loans, by not disclosing a balloon payment stream correctly and omitting the section of the TIL disclosure that identified the existence of a late payment fee.

1.5 Failure to Specify Fees Benefiting the Broker. Respondents did not specify which fees on the Good Faith Estimate (GFE) inured to the benefit of the mortgage broker. Forty-nine borrowers received GFEs from Respondent Crown Point that did not specify processing, application, or administration fees that would benefit Respondent Crown Point. The fees totaled \$41,453. See the attached Restitution Schedule.

1.6 Failure to Properly Display Loan Originator/Mortgage Broker License Numbers on Applications.

Respondents did not include the loan originator license and mortgage broker license numbers on 3 residential mortgage loan applications.

1.7 Failure to Disclose Yield Spread Premiums in the Good Faith Estimate. Respondents did not properly disclose the Yield Spread Premium (YSP) on GFEs to 43 borrowers when it either did not describe the fee as a "yield spread premium", did not list the YSP in the 800 series of lines on the GFE, or did not disclose the YSP as a dollar amount or dollar range.

1.8 Failure to Provide Borrowers the Variable Rate Mortgage Program Disclosure. Respondents did not provide the Variable Rate Mortgage Program Disclosure to 3 borrowers.

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consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information

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<sup>1</sup> This information was not discovered as a result of the examination.

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<sup>&</sup>lt;sup>2</sup> The Department has issued Statements of Charges against the unlicensed loan originator.

on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

- 2.3 Definition of Loan Originator. Pursuant to RCW 19.146.010(10), "Loan originator" means a natural person who (a) takes a residential mortgage loan application for a mortgage broker, or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain. "Loan originator" also includes a person who holds themselves out to the public as able to perform any of these activities. "Loan originator" does not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a borrower to obtain information necessary for the processing of a loan. A person who holds himself or herself out to the public as able to obtain a loan is not performing administrative or clerical tasks.
- 2.4 Prohibited Acts. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.0201(1), (2), (3), (6), (7), (13), and (15) for directly or indirectly employing a scheme, device or artifice to defraud or mislead borrowers or lenders or any person, engaging in an unfair or deceptive practice toward any person, obtaining property by fraud or misrepresentation, failing to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146.030 and any other applicable state or federal law, making, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engaging in bait and switch advertising,, collecting, charging, attempting to collect or charge or using or proposing any agreement purporting to collect or charge any fee prohibited by RCW 19.146.030 or RCW 19.146.070, and failing to comply with any provision of RCW 19.146.030 through 19/146.080 or any rule adopted under those sections.

business of a loan originator without first obtaining and maintaining a license under the Act.

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2.11 Requirement to Notify Department of Significant Developments. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660-400(26) for not notifying the Department, in writing, within ten business days of a licensee being charged with any violations by an administrative authority in any jurisdiction, or the subject of any administrative action, including a license revocation action, in any jurisdiction.

#### III. AUTHORITY TO IMPOSE SANCTIONS

- **3.1 Authority to Revoke.** Pursuant to RCW 19.146.220(2)(e), the Director may revoke a license for any violation of the Act.
- 3.2 Authority to Prohibit from the Industry. Pursuant to RCW 19.146.220(5)(a), the Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265.
- 3.3 Authority to Impose Fine. Pursuant to RCW 19.146.220(3)(a), the Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (12), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265.
- 3.4 Authority to Order Restitution. Pursuant to RCW 19.146.220(2)(e) and WAC 208-660-430(14), the Director may issue orders directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution for any violation of the Act.
- 3.5 Authority to Collect Investigation Fees. Pursuant to RCW 19.146.228(2) and WAC 208-660-540, upon completion of any investigation of the books and records of a licensee or other person subject to the Act, the Department may recover a fee to cover the cost of an investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person devoted to the investigation.

## IV. NOTICE OF INTENTION TO ENTER ORDER

2	Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth							
3	in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis							
4	for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the							
5	Director's intention to ORDER that:							
6	4.1 Respondent Crown Point Enterprises Inc. d/b/a Lighthouse Financial Group's license to conduct the business of a mortgage broker be revoked;							
7	4.2 Respondent Sheldon Lane Harmon's license to conduct the business of a loan originator be revoked;							
9	4.3 Respondent Crown Point Enterprises Inc. d/b/a Lighthouse Financial Group 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 5 years;							
10	4.4 Respondent Sheldon Lane Harmon 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 5 years;							
12	4.5 Respondents Crown Point Enterprises Inc. d/b/a Lighthouse Financial Group and Sheldon Lane Harmon jointly and severally pay a fine which, as of the date of these charges, totals \$35,600;							
13	4.6 Respondents Crown Point Enterprises Inc. d/b/a Lighthouse Financial Group and Sheldon Lane Harmon jointly and severally pay restitution to the borrowers outlined in the attached Restitution Schedule which, as of the date of these charges, totals \$41,453 and any additional restitution amount determined at hearing;							
15 16	4.7 Respondents Crown Point Enterprises Inc. d/b/a Lighthouse Financial Group and Sheldon Lane Harmon jointly and severally pay an investigation fee which, as of the date of these charges, totals \$3,120 calculated at \$48 per hour for the 65 staff hours devoted to the investigation; and							
17	4.8 Respondents Crown Point Enterprises Inc. d/b/a Lighthouse Financial Group and Sheldon Lane Harmon							
18	maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent Crown Point Enterprises Inc. d/b/a Lighthouse							
19	Financial Group's mortgage broker 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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#### V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (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). 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 \_\_\_\_\_ day of February, 2010.

DEBORAH BORTNER

Director

Division of Consumer Services
Department of Financial Institutions

Presented by:

WILLIAM HALSTEAD Financial Legal Examiner

Approved by:

JAMES R. BRUSSELBACK

Enforcement Chief

STATEMENT OF CHARGES C-07-136-10-SC01

CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE

FINANCIAL GROUP, and SHELDON LANE HARMON

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

STATEMENT OF CHARGES C-07-136-10-SC01 CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE FINANCIAL GROUP, and SHELDON LANE HARMON

Borrower Initials	Application Date	Settlement Date	Fee not Specified	Amount of Fee
J.A.	03-18-08	06-11-08	Processing Fee	\$695.00
B.A	11-15-07	01-24-08	Processing Fee	\$595.00
B.A.	07-25-07	8-31-07	Processing Fee	\$595.00
			Application Fee	\$595.00
C.B.	7-10-07	8-16-07	Processing Fee	\$500.00
A.B.	5-30-07	6-28-07	Processing Fee	\$595.00
R.B.	1-22-08	02-21-08	Processing Fee	\$595.00
			Application Fee	\$150.00
S.B.	03-17-08	04-30-08	Processing Fee	\$595.00
K.B.	01-16-08	02-19-08	Processing Fee	\$595.00
M.B.	05-05-08	06-12-08	Processing Fee	\$695.00
			Administration Fee	\$695.00
I.B.	04-07-08	06-27-08	Processing Fee	\$795.00
			Administration Fee	\$595.00
B.B.	01-22-08	02-25-08	Processing Fee	\$595.00
R.B.	01-28-08	03-24-08	Processing Fee	\$695.00
J.C.	12-14-07	01-02-08	Processing Fee	\$250.00
J.C.	02-18-08	03-31-08	Processing Fee	\$695.00
			Application Fee	\$695.00
G.C.	01-25-08	03-11-08	Processing Fee	\$595.00
			Administration Fee	\$595.00
M.D.	03-26-08	05-05-08	Processing Fee	\$695.00
			Administration Fee	\$695.00
J.E.	02-26-08	03-17-08	Processing Fee	\$695.00
			Administration Fee	\$338.00
S.G	11-17-06	12-14-06	Administration Fee	\$600.00
R.G	05-27-08	06-27-08	Processing Fee	\$695.00
R.H.	01-24-08	02-28-08	Processing Fee	\$595.00
B.H.	01-16-08	02-06-08	Application Fee	\$150.00
			Processing Fee	\$595.00
R.H.	11-28-07	03-26-08	Processing Fee	\$695.00
			Administration Fee	\$995.00
A.H.	04-20-08	05-30-08	Processing Fee	\$595.00
K.K.	05-16-08	06-16-08	Processing Fee	\$595.00
J.K	05-08-08	06-09-08	Processing Fee	\$695.00
A.M.	03-31-08	04-16-08	Processing Fee	\$595.00
			Application Fee	\$150.00
C.M.	02-14-08	04-23-08	Processing Fee	\$695.00
			Administration Fee	\$695.00
J.M.	08-29-07	09-20-07	Processing Fee	\$500.00
			Administration Fee	\$495.00
L.N	01-24-08	04-21-08	Processing Fee	\$695.00
C.O.	01-24-07	05-11-07	Processing Fee	\$595.00
			Administration Fee	\$500.00
N.O	09-08-07	02-12-08	Processing Fee	\$595.00
B.P	01-09-08	03-21-08	Processing Fee	\$595.00
V.P.	06-14-07	07-20-07	Processing Fee	\$595.00
			Application Fee	\$150.00
V.P.	05-08-08	06-10-08	Processing Fee	\$595.00

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M.P.	01-30-08	03-05-08	Processing Fee	\$595.00
E.R.	06-12-07	08-20-07	Processing Fee	\$595.00
			Application Fee	\$150.00
D.R.	04-11-07	07-16-07	Processing Fee	\$695.00
R.S.	04-22-08	05-23-08	Processing Fee	\$695.00
M.S.	01-09-08	05-19-08	Processing Fee	\$595.00
			Administration Fee	\$695.00
E.S.	04-10-08	06-20-08	Processing Fee	\$695.00
			Administration Fee	\$695.00
K.T.	04-16-08	06-12-08	Processing Fee	\$695.00
			Administration Fee	\$995.00
T.T.	08-28-07	12-27-07	Processing Fee	\$595.00
T.W.	10-02-07	01-16-08	Processing Fee	\$595.00
			Application Fee	\$595.00
			Administration Fee	\$150.00
M.W.	09-26-07	10-29-07	Processing Fee	\$500.00
K.W.	09-06-07	11-01-07	Processing Fee	\$595.00
D.W.	04-05-08	05-14-08	Processing Fee	\$695.00
S.W.	05-16-08	06-25-08	Application Fee	\$150.00
			Processing Fee	\$595.00
R.Z.	04-15-08	06-18-08	Processing Fee	\$695.00
			Administration Fee	\$995.00
			Total	\$41,453

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STATEMENT OF CHARGES C-07-136-10-SC01 CROWN POINT ENTERPRISES, INC. d/b/a LIGHTHOUSE FINANCIAL GROUP, and SHELDON LANE HARMON