

Terms Completed

ORDER SUMMARY – Case Number: C-07-340

Name(s): Eric Paul Vankirk

Order Number: C-07-340-08-FO01

Effective Date: March 3, 2008

License Number: DFI: 37694

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: Denial

Not Apply Until: _____

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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FINAL ORDER

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

1 On October 8, 2007, Respondent filed an Application for Adjudicative Hearing. On October 9,
2 2007, the Department made a request to the Office of Administrative Hearings (OAH) to assign an
3 Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. On
4 October 12, 2007, OAH issued a Notice of Prehearing Conference by Telephone assigning ALJ
5 Stephanie Croom Williams (ALJ Williams) to preside over prehearing and hearing proceedings and
6 issue an Initial Decision. The Notice scheduled a prehearing conference on Friday, October 26, 2007
7 at 11:00 a.m. That Order contained the following instruction to the parties: **"Parties must call 10**
8 **minutes prior to the start of the conference. The receptionist will take your phone number and**
9 **the administrative law judge will return your call to initiate the prehearing conference."** That
10 Order also noted "If you fail to appear or participate in the prehearing conference, hearing, or any other
11 scheduled stage of these proceedings, you may lose your right to a hearing as described in RCW
12 34.05.440."
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14 On October 26, 2007, the prehearing conference was convened by ALJ Williams. Respondent
15 failed to appear. The Department moved for an order of default based on Respondent's failure to
16 appear. On November 1, 2007, ALJ Williams issued a Default Order (Default Order) affirming the
17 Statement of Charges. On November 1, 2007, ALJ Williams sent the Default Order to the address in
18 Respondent's Application for Adjudicative Hearing.
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20 Pursuant to RCW 34.05.440(3), Respondent had seven (7) days from the date of service of the
21 Order of Default and Initial Order to file a written motion with OAH requesting that the Order of
22 Default and Initial Order be vacated, and stating the grounds relied upon. Respondent did not make a
23 request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211,
24 Respondent had twenty (20) days from the date of service of the Order of Default and Initial Order to
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1 file a Petition for Review of the Order of Default and Initial Order with the Director. Respondent did
2 not file a Petition for Review during the statutory period.

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

- 5 1. Statement of Charges, cover letter dated September 6, 2007, and Notice of
6 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 7 2. Application for Adjudicative Hearing;
- 8 3. Request to OAH for Assignment of Administrative Law Judge;
- 9 4. Notice of Prehearing Conference by Telephone dated October 12, 2007, with
10 documentation of service;
- 11 5. Default Order dated November 1, 2007, with documentation of service.

12 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the
13 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

14 II. FINAL ORDER

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

17 A. IT IS HEREBY ORDERED, That:

18 Respondent Eric Paul Vankirk's application for a loan originator license is denied.

19 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
20 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
21 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
22 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
23 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
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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. Stay of Order. 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. Judicial Review. 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 34.05.510 and sections following.

E. Service. 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 3rd day of March, 2008.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES

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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:

ERIC PAUL VANKIRK,

Respondent.

NO. C-07-340-07-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, 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 Eric Paul Vankirk (Respondent Vankirk) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under West Valley Enterprises, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 27, 2006.

1.2 Outstanding Liens or Judgments. Respondent Vankirk is subject to a lien in favor of the United States on all property and rights to property belonging to Respondent in excess of \$100,000 for unpaid tax liabilities. The Notice of Federal Tax Lien numbered 282023206 was filed in Pierce County, Washington on April 11, 2006. Due to the high amount of the unpaid federal tax liability, Respondent Vankirk fails to

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

1 demonstrate character and general fitness such as to command the confidence of the community and to warrant
2 a belief that the business will be operated honestly and fairly within the purposes of the Act.

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

4 **2.1 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
5 forth in Section I above, Respondent Vankirk fails to meet the requirements of RCW 19.146.310(1)(g) and
6 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the
7 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
8 within the purposes of the Act.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
11 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
12 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
13 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
14 of the denial.

15 **IV. NOTICE OF INTENTION TO ENTER ORDER**

16 Respondent Vankirk's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as
17 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions,
18 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 19.146.310. Therefore, it is the Director's intention to ORDER that:


20 **4.1** Respondent Eric Paul Vankirk's application for a loan originator license be denied.

21 **V. AUTHORITY AND PROCEDURE**

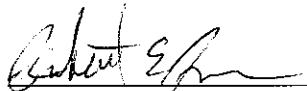
22 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
23 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
24 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative
25 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF

1 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of
2 Charges.

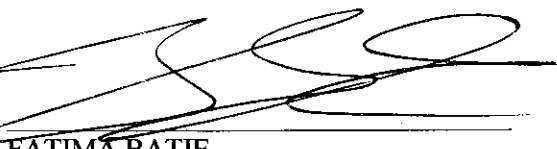
3 Dated this 6th day of September, 2007.
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5 
6 DEBORAH BORTNER
7 Director
8 Division of Consumer Services
9 Department of Financial Institutions

10 Presented by:

11 
12 ROBERT E. JONES
13 Financial Legal Examiner

14 Approved by:

15 
16 FATIMA BATIE
17 Financial Legal Examiner Supervisor
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