Terms Completed

ORDER SUMMARY – Case Number: C-07-341

Name(s):	James C. Joyne	er		
Order Number:	C-07-341-08-F	FO01		
Effective Date:	January 22, 20	08		
License Number: Or NMLS Identifier [U/L] License Effect:	NMLS: 676897 (Revoked, suspended, stayed, application denied or withdrawn) If applicable, you must specifically note the ending dates of terms.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:	December 28,	2011		
Investigation Costs	\$	Due	Paid Y N	Date
Fine	\$	Due	Paid N N	Date
Assessment(s)	\$	Due	Paid Y N	Date
Restitution	\$	Due	Paid Y N	Date
Judgment	\$	Due	Paid Y N	Date
Satisfaction of Judgment F	Filed?	☐ Y ☐ N	T	
Comments:				

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

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IN THE MATTER OF INVESTIGATING

JAMES CHARLES JOYNER,

the Loan Originator License Application under the

Mortgage Broker Practices Act of Washington by:

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FINAL ORDER -JAMES CHARLES JOYNER C-07-341-08-FO01

FINAL ORDER

NO. C-07-341-08-FO01

Respondent.

I. DIRECTOR'S CONSIDERATION

	A.	Default.	This matter has come before the Director of the Department of
Finan	cial Inst	itutions of the	e State of Washington (Director), through his designee, Consumer Services
Divis	ion Dire	ctor Deborah	Bortner, pursuant to RCW 34.05.440(1). On November 21, 2007, the
Direc	tor, thro	ugh Consum	er Services Division Director Deborah Bortner, entered a Statement of
Charg	ges and	Notice of Int	ention to Enter an Order to Deny License Application and Prohibit from
Indus	try (Stat	ement of Cha	arges). A copy of the Statement of Charges is attached and incorporated int
this o	rder by t	his reference	. The Statement of Charges was accompanied by a cover letter dated
Nove	mber 21	, 2007, a Not	tice of Opportunity to Defend and Opportunity for Hearing, and a blank
Appli	cation fo	or Adjudicati	ve Hearing. The Department served the Statement of Charges, cover letter,
Notic	e of Opp	oortunity to D	Defend and Opportunity for Hearing, and a blank Application for
Adjuc	licative	Hearing on R	Respondent on November 21, 2007 by Federal Express overnight delivery.
On N	ovembe:	r 30, 2007, th	ne documents sent via Federal Express overnight delivery were delivered.
	Respo	ndent did no	t request an adjudicative hearing within twenty calendar days after the
Depai	tment s	erved him wi	th the Notice of Opportunity to Defend and Opportunity for Hearing, as
provio	ded for i	n WAC 208-	08-050(2).

The record presented to the Director's designee for her review and for entry of a final decision included the Statement of Charges, cover letter, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing, with

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

II. FINAL ORDER

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

IT IS HEREBY ORDERED, That:

- 1. Respondent James Charles Joyner's application for a loan originator license is denied;
- 2. Respondent James Charles Joyner is banned from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, through December 28, 2011.
- 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.

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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.

- The Director's designee has determined not to consider a Petition C. Stay of Order. 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.
- Respondent has the right to petition the superior court for judicial D. Judicial Review. 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.
- For purposes of filing a Petition for Reconsideration or a Petition for E. Service. Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

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:

NO. C-07-341-07-SC01

JAMES CHARLES JOYNER.

Respondent.

STATEMENT OF CHARGES and NOTICE OF INTENTION TO ENTER AN ORDER TO DENY LICENSE APPLICATION AND PROHIBIT FROM INDUSTRY

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. Respondent James Charles Joyner (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington, Division of Consumer Services (Department) for a loan originator license under Custom Mortgage Solutions, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 28, 2006
- 1.2 Prior Criminal Acts. On or about September 5, 1990, Respondent was charged under California State, Contra Costa County Court Cause No. 901780-7 with two counts of Oral Copulation by Threat and in Concert, and one count of Sodomy, felonies pursuant to California Penal Code Section 288a(d) and Section 286(c). On or about December 10, 1990, the charges were amended to include an additional charge of Kidnapping, a felony pursuant to California Penal Code Section 207(a). On or about December 10, 1990,

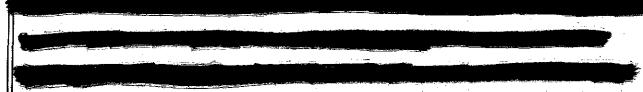
¹ RCW 19.146 (2007)

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STATEMENT OF CHARGES C-07-341-07-SC01 JAMES CHARLES JOYNER

Respondent was convicted of the Kidnapping charge. The remaining charges were dismissed as part of the plea agreement.

1.3 On or about November 23, 1998, Respondent was convicted under Washington State, King County District Court Cause No. CQ23397SH with Violation of a Protection Order, a gross misdemeanor pursuant to RCW 26.50.110.



- 1.5 On or about May 18, 1999, Respondent was convicted under California State, Municipal Court of Ingelwood, County of Los Angeles Cause No. 9IW03875 with Infliction of Corporal Injury on a Spouse, a misdemeanor pursuant to California Penal Code Section 273.5(a).
- 1.6 On or about February 15, 2000, Respondent was convicted under Washington State, South District Court Snohomish County Cause No. 98D005162 with Harassment, a gross misdemeanor pursuant to RCW 9A.46.020.
- 1.7 On or about March 27, 2000, Respondent was convicted under Washington Sate, Lynnwood Municipal Court Cause No. 99-000016 with Malicious Mischief Third Degree-Domestic Violence, a gross misdemeanor pursuant to RCW 9A.48.090.
- 1.8 On or about March 3, 2003, Respondent was charged under Washington State, City of Anacortes Municipal Court Cause No. AC0006777 with Furnishing Liquor to Persons Under the Age of 21, pursuant to Anacortes Municipal Code 9.32.040. On or about February 24, 2005, this charge was resolved by way of a \$300 bail forfeiture.

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1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?

Failure to Disclose in Application for Licensure. The "Criminal Disclosure" section of the loan

- 2-Have you ever been charged with a felony?
- 5-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to misdemeanor involving: financial services or a financial services-related business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?
- 6-Have you ever been charged with a misdemeanor specified in question no. 5?
 Respondent was obligated by statute to answer questions on the loan originator license application truthfully
 and to provide the Department with complete details of all events or proceedings. Respondent failed to do so.

II. GROUNDS FOR ENTRY OF ORDER

- 2.1 Prohibited Practices. Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making any false statement or willfully making any omission of material fact in connection with any application or any information filed by a licensee in connection with any application, examination or investigation conducted by the Department.
- 2.2 Requirement to Provide Information on License Application. Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.300(1) and (2) and RCW

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IV. NOTICE OF INTENTION TO ENTER ORDER

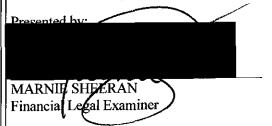
Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and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

- Respondent James Charles Joyner's application for a loan originator license be denied. 4.1
- Respondent James Charles Joyner be prohibited from participation in the conduct of the affairs of any 4.2 mortgage broker subject to licensure by the Director, in any manner, through December 28, 2011.

V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (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 2 day of November, 2007.



Approved by:

FATIMA BATIE

Financial Legal Examiner Supervisor



Director **Division of Consumer Services** Department of Financial Institutions

