

## Terms Completed

### ORDER SUMMARY – Case Number: C-07-489

**Name(s):** Jocelyn Pascual Pebenito  
aka Jocelyn Estrada  
aka Jocey Pebenito

**Order Number:** C-07-489-07-FO01

**Effective Date:** January 25, 2008

**License Number:** DFI: 43618

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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

<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



State of Washington

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

**BRIEF ADJUDICATIVE PROCEEDING**

IN THE MATTER OF INVESTIGATING the  
Loan Originator License Application under the  
Washington Mortgage Broker Practices Act  
(Ch. 19.146 RCW) by:

JOCELYN PASCUAL PEBENITO, aka  
JOCELYN ESTRADA, aka  
JOCEY PEBENITO

Respondent.

No. C-07-489-07-SC01

DCS – BAP – 2007-002 JMV

FINAL DECISION AND ORDER

THIS MATTER having come before Scott Jarvis, Director for the Department of Financial Institutions (“Department”), sitting in his capacity as Presiding Officer (“Presiding Officer”) in relation to review of the Initial Decision and Order, which denied a Loan Originator License under the Washington Mortgage Broker Practices Act, Chapter 19.146 RCW (“Act”), upon application by JOCELYN PASCUAL PEBENITO, aka JOCELYN ESTRADA, aka JOCEY PEBENITO, the Respondent (“Respondent”);

NOW THEREFORE, the Presiding Officer issues the following Final Decision and Order:

**1.0 CONSIDERATION**

1.1 The Presiding Officer has reviewed the record on review, including the Initial Decision and Order under the Brief Adjudicative Proceeding, which was issued on January 3, 2008.

1.2 Respondent did not submit a Petition for Review of the Initial Decision and Order.

1.3 More than twenty (20) days has expired since issuance of an Initial Decision and Order. It appears from the Certificate of Service that Respondent was duly served as of January 3, 2008.

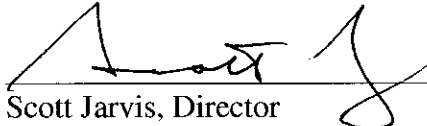
1.4 The Presiding Officer agrees with and concurs in the Findings of Fact and Conclusions of Law made in the Initial Decision and Order in the Brief Adjudicative Proceeding below. All of these Findings of Fact and Conclusions of Law are hereby adopted as if fully set forth herein.

2.0 FINAL DECISION AND ORDER

For all of the reasons set forth above, IT IS HEREBY ORDERED THAT:

The application of Respondent JOCELYN PASCUAL PEBENITO, aka JOCELYN ESTRADA, aka JOCEY PEBENITO for a loan originator license with the Washington State Department of Financial Institutions is denied.

Dated and mailed on January <sup>25<sup>th</sup></sup>, 2008, at Tumwater, Washington.

A handwritten signature in black ink, appearing to read "Scott Jarvis", is written over a horizontal line.

Scott Jarvis, Director  
WASHINGTON STATE DEPARTMENT OF  
FINANCIAL INSTITUTIONS  
P.O. Box 41200  
Olympia, Washington 98504-1200



State of Washington

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

**BRIEF ADJUDICATIVE PROCEEDING**

IN THE MATTER OF INVESTIGATING the  
Loan Originator License Application under the  
Washington Mortgage Broker Practices Act (Ch.  
19.146 RCW) by:

JOCELYN PASCUAL PEBENITO, aka  
JOCELYN ESTRADA, aka  
JOCEY PEBENITO

Respondent.

No. C-07-489-07-SC01

DCS – BAP – 2007-002 JMV

INITIAL DECISION AND ORDER

THIS MATTER having come before Joseph M. Vincent, General Counsel for the Department of Financial Institutions (“Department”), sitting in his capacity as Presiding Officer (“Presiding Officer”) for Brief Adjudicative Proceedings (“BAP”) for the Division of Consumer Services (“Division”), in relation to review of the denial of a Loan Originator License under the Washington Mortgage Broker Practices Act, Chapter 19.146 RCW (“Act”), upon application by JOCELYN PASCUAL PEBENITO, \* the Respondent (“Respondent”);

NOW THEREFORE, the Presiding Officer issues the following Findings of Fact, Conclusions of Law, and Initial Decision and Order:

**1.0 FINDINGS OF FACT**

The following facts are undisputed as between the Division and the Respondent:

- 1.1 Respondent made an online application to the Division for a Loan Originator License (“License”) under the Act on or about January 2, 2007.
- 1.2 In her online application, Respondent admitted to being convicted of or pleading guilty to a felony within the last seven (7) years.

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\* Aka Jocelyn Estrada, aka Jocey Pebenito.

1.3 The Division investigated this admission in the course of processing Respondent's application and confirmed that Respondent had, indeed, pleaded *guilty* on December 11, 2002, in King County Superior Court, State of Washington, Case No. 02-1-07514-9 SEA ("Criminal Case"), to Theft in the Second Degree in violation of RCW 9A.56.030(1)(a) and RCW 9A.56.020(1)(a), a Class C felony.

1.4 On December 4, 2007, the Division issued against Respondent a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application ("Statement of Charges") and also issued to Respondent a Notice of Opportunity to Defend and Opportunity for Brief Adjudicative Proceeding ("BAP Notice").

1.5 On December 4, 2007, the Statement of Charges and BAP Notice were served upon Respondent and upon the Designated Broker by First Class Mail with Overnight Delivery.

1.6 On or before December 7, 2007, the Division received from Respondent a Request for Brief Adjudicative Proceeding ("BAP Request").

1.7 In the BAP Request, Respondent indicated: "I WILL NOT be represented by an attorney."

1.8 In the BAP Request, Respondent also indicated: "I DO NOT request a qualified INTERPRETER be provided at no cost to me."

1.9 In the BAP Request, Respondent also indicated: "I may provide additional documents for the BAP Presiding officer."

1.14 On December 12, 2007, the Presiding Officer issued a scheduling letter and special notice of time to file additional materials ("Scheduling Letter and Notice"), which granted Respondent until Wednesday, January 2, 2008, to submit to the Presiding Officer additional materials on his behalf.

1.15 As of this date, the Presiding Officer has received no additional materials from Respondent, despite the Scheduling Letter and Notice.

## 2.0 CONCLUSIONS OF LAW

Based upon the Findings of Fact above, the Presiding Officer must conclude, as follows:

2.1 The Act, at RCW 19.146.210, sets forth the requirements for issuance or denial of a mortgage broker or loan originator license as mandated by the Washington State Legislature. In pertinent part, subsection (1) of RCW 19.146.210 declares that –

“ . . . [t]he director shall issue and deliver a mortgage broker license to an applicant if, after investigation, the director makes the following findings:

.....

(d) Neither the applicant, any of its principals, or the designated broker have been ***convicted of a*** gross misdemeanor involving dishonesty or financial misconduct or a ***felony within seven years of the filing of the present application; . . .***”

[Emphasis added.]

2.2 The Division’s rulemaking with respect to the Act reflects the mandate of the Washington State Legislature and is even more specific, declaring at subsection (2) of WAC 208-660-350, as follows:

**In addition to reviewing my application, what else will the department consider to determine if I qualify for a loan originator license?**

.....

(c) **Criminal history.** You are not eligible for a loan originator license if you have been convicted of a gross misdemeanor involving dishonesty or financial misconduct, or a felony, within seven years of the filing of the present application.

[Original emphasis.]

2.3 As stated above, the Act, at RCW 19.146.210(1)(d) is clear. The Division has no discretion in this matter where, as here, the intent of the Legislature is so clear. Respondent pleaded *guilty* within the last seven (7) years to a crime punishable as a felony. The Division, therefore, had no discretion but to deny Respondent’s application for a loan originator license. The Presiding Officer has no discretion in this matter either and, after thorough review of the relevant facts and law, is obliged to reach the same conclusion as the Division. *See* RCW 19.146.310(2).

2.9 The Presiding Officer has additional authority to make an initial decision and order pursuant to RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

2.10 This matter is properly at issue before the Presiding Officer and ripe for consideration and entry of an Initial Decision and Order.

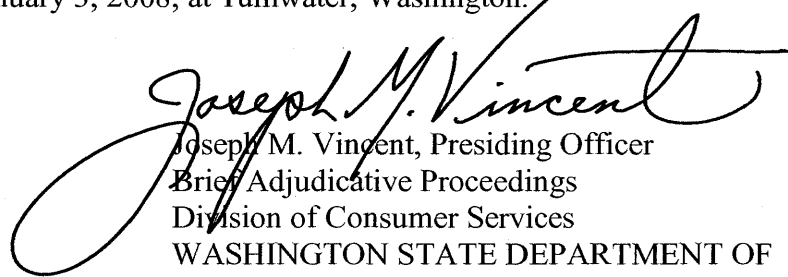
2.11 There is no triable issue of material fact as between the Division and Respondent, and an Initial Decision and Order may be entered as a matter of law.

### 3.0 INITIAL DECISION AND ORDER

Based upon the Findings of Fact and Conclusions of Law set forth above, IT IS HEREBY ORDERED THAT:

Respondent Jocelyn Pascual Pebenito's application for a loan originator license with the Division of Consumer Services of the Washington State Department of Financial Institutions is denied.

Dated and mailed on January 3, 2008, at Tumwater, Washington.



Joseph M. Vincent, Presiding Officer  
Brief Adjudicative Proceedings  
Division of Consumer Services  
WASHINGTON STATE DEPARTMENT OF  
FINANCIAL INSTITUTIONS  
P.O. Box 41200  
Olympia, Washington 98504-1200  
Phone: (360) 902-0516  
E-Fax: (360) 704-7036

### FURTHER APPEAL RIGHTS

Under the Washington Administrative Procedures Act, Chapter 34.05 RCW, and WAC 10-08-211, any party to an adjudicative proceeding may file a ***Petition for Review*** of this Initial Decision and Order. Any ***Petition for Review*** shall be filed with the Director of the Department of Financial Institutions within twenty (20) days of service of the Initial Decision and Order. **The deadline to file a Petition for Review is January 23, 2008.**

#### **Address for filing the Petition for Review:**

Scott Jarvis, Director  
Washington State Department of Financial Institutions  
P.O. Box 41200  
Olympia, Washington 98504-1200

A copy of any such ***Petition for Review*** must also be served upon the Division of Consumer Services, Washington State Department of Financial Institutions, P.O. Box 41200, Olympia, Washington 98504-1200, at the time the ***Petition for Review*** is filed with the Director.

A ***Petition for Review*** shall specify the portions of the ***Initial Decision and Order*** to which exception is taken and shall refer to the evidence of record which is relied upon to support the ***Petition for Review***. Any party may file a reply to a ***Petition for Review***. Replies must be filed with the Director within ten (10) days of the date of the service of the ***Petition for Review***, and copies of the reply must be served upon all other parties or their representatives at the time the reply is filed with the Director.

At the time for filing a ***Petition for Review*** has elapsed, the Director of the Washington State Department of Financial Institutions will issue a ***Final Decision and Order*** in this matter. In accordance with RCW 34.05.470 and WAC 10-08-215, any ***Petition for Reconsideration*** of such ***Final Decision and Order*** must be filed with the Director within ten (10) days of the service of the ***Final Decision and Order***. **NOTE: *Petitions for Reconsideration* do not stay the effectiveness of the *Final Decision and Order*.**

***Judicial Review*** of the ***Final Decision and Order*** is available to a party according to the provisions set out in the Washington Administrative Procedures Act, at RCW 34.05.570.



CERTIFICATE OF SERVICE

I, Chandra Wexler, certify that I personally delivered or mailed a copy of the Initial Decision and Order to parties named below at their respective addresses, postage pre-paid, on the date stated hereinabove.

Chandra Wexler

Print Name: Chandra Wexler

***Mailed to the following:***

Jocelyn Pebenito  
14539 SE 243<sup>rd</sup> Place  
Kent, Washington 98042

James R. Brusselback  
Enforcement Chief  
Department of Financial Institutions  
Consumer Services Division  
P.O. Box 41200  
Olympia, Washington 98504-1200

Fatima Batie  
Financial Legal Examiner Supervisor  
Department of Financial Institutions  
Consumer Services Division  
P.O. Box 41200  
Olympia, Washington 98504-1200

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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:

JOCELYN PASCUAL PEBENITO, aka  
JOCELYN ESTRADA, aka  
JOCEY PEBENITO

Respondent.

NO. C-07-489-07-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)<sup>1</sup>. 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 Jocelyn Pascual Pebenito aka Jocelyn Estrada aka Jocey Pebenito (Respondent Pebenito)**  
submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Evergreen Pacific Services, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about January 2, 2007.

**1.2 Prior Criminal Acts.** On or about October 15, 2002, Respondent Pebenito was charged in Information No. 02-1-07514-9 SEA in the Superior Court of Washington for King County with Theft in the First Degree, in violation of RCW 9A.56.030(1)(a) and 9A.56.020 (1)(a), a Class B felony. On or about December 12, 2002, an Amended Information charged Respondent Pebenito with Theft in the Second Degree in violation of RCW

<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 9A.56.030(1)(a) and 9A.56.020(1)(a), a Class C felony pursuant to RCW 9A.56.040(2). On or about December  
2 12, 2002, Respondent Pebenito pled guilty to the crime of Theft in the Second Degree, a Class C felony.

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

4 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,  
5 Respondent Pebenito fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by  
6 having been convicted of a felony within seven years of the filing of the present application.

## 7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the  
9 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the  
10 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by  
11 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application  
12 of the denial.

## 13 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

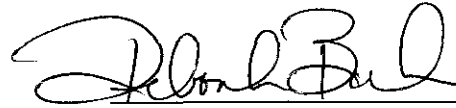
18 **4.1** Respondent Jocelyn Pascual Pebenito's application for a loan originator license be denied.

## 19 **V. AUTHORITY AND PROCEDURE**

20 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application  
21 (Statement of Charges) is issued pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW  
22 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative  
23 Procedure Act). Respondent may make a written request for a Brief Adjudicative Proceeding as set forth in the  
24  
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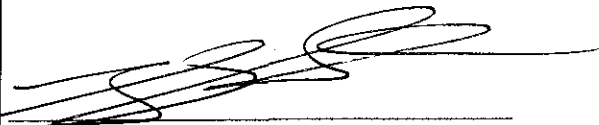
1 NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE  
2 PROCEEDING accompanying this Statement of Charges.

3  
4 Dated this 4<sup>th</sup> day of December 2007.

5  
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7 DEBORAH BORTNER  
8 Director  
9 Division of Consumer Services  
10 Department of Financial Institutions

11 Presented by:

12 

13 FATIMA BATIE  
14 Financial Legal Examiner Supervisor

15 Approved by:

16 

17 JAMES R. BRUSSELBACK  
18 Enforcement Chief

