

Terms Completed

ORDER SUMMARY – Case Number: C-08-077

Name(s): Shellie Marlene Miller

Order Number: C-08-077-09-CO01

Effective Date: April 21, 2009

License Number: DFI: 44616 [NMLS: 72025]

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

License Effect: None
If applicable, you must specifically note the ending dates of terms.

Not Apply Until: 18 months from date of entry

Not Eligible Until: _____

Prohibition/Ban Until: n/a

Investigation Costs	\$463.20	Due	Paid <input checked="" 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: Application fee: \$75; NSF Check Fee: \$15; Interest: \$5.70 – pd.

1
2
3
4
5
6
7

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

8
9
10
11
12

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

NO. C-08-077-09-CO01

13
14
15
16
17
18
19
20
21
22

SHELLIE MARLENE MILLER,
Respondent.

CONSENT ORDER

23
24
25

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Shellie Marlene Miller, (hereinafter Respondent), 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 Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-08-077-08-SC01 (Statement of Charges), entered July 3, 2008, (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. Respondent agrees not to contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

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

CONSENT ORDER
C-08-077-09-CO01
Shellie Marlene Miller

1

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

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing before
2 an administrative law judge, and that she hereby waives her right to a hearing and any and all administrative and
3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent
4 agrees to withdraw her appeal and to inform the Office of Administrative Hearings in writing of her withdrawal.

5 **C. No Application.** It is AGREED that Respondent shall not apply to the Department for a loan originator
6 license under any name for a period of eighteen (18) months from the date of entry of this Consent Order.

7 **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee of
8 \$463.20, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
9 Consent Order.

10 **E. Application Fee.** It is AGREED that Respondent shall pay to the Department an Application Fee in the
11 amount of \$75.00, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of
12 this Consent Order.

13 **F. NSF Check Fee.** It is AGREED that Respondent shall pay to the Department an NSF Check Fee in the
14 amount of \$15.00, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of
15 this Consent Order.

16 **G. Interest.** It is AGREED that Respondent shall pay interest in the amount of \$5.70, in the form of a
17 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order. The above
18 fees and interest may be paid in the form of a single cashier's check made payable to the "Washington State
19 Treasurer" upon entry of this Consent Order.

20 **H. 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
25

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

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

5 **RESPONDENT:**

6 Shellie Marlene Miller 4-11-09
7 Shellie Marlene Miller Date
8 Individually

9 DO NOT WRITE BELOW THIS LINE

10 THIS ORDER ENTERED THIS 21st DAY OF April, 2009.

11 Deborah Bortner
12 DEBORAH BORTNER
13 Director
14 Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

17 Robert E. Jones
18 ROBERT E. JONES
19 Financial Legal Examiner



20 Approved by:

21 James R. Brusselback
22 JAMES R. BRUSSELBACK
23 Enforcement Chief

24
25

1
2
3
4
5
6
7
8
9

**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:

SHELLIE MARLENE MILLER, AKA
SHELLIE SOMMER,

Respondent.

NO. C-08-077-08-SC01

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

10
11
12
13
14
15
16

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 19.146.235 and 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:

17
18
19
20
21
22
23
24
25

I. FACTUAL ALLEGATIONS

1.1 Respondent Shellie Marlene Miller (Respondent Miller) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Abacus Mortgage, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about June 21, 2007. On October 24, 2007, the Department issued a loan originator license to Respondent Miller. On or about October 30, 2007, Respondent Miller's fingerprint card was rejected as unreadable by the Washington State Patrol. On November 1, 2007, the Department sent a letter to Respondent Miller at her business address informing her that the fingerprint card was unreadable and that a new fingerprint card would be required within twenty business days. On December 5, 2007, the Department sent a requirement

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

1 and directive by Certified Mail to Respondent Miller again requiring a new fingerprint card. This requirement
2 and directive was delivered on December 6, 2007. To date, Respondent Miller has not provided a new
3 fingerprint card.

4 On or about December 28, 2007, Respondent Miller applied for renewal of her loan originator license
5 and her loan originator license was renewed. On January 31, 2008, a personal check for Respondent Miller's
6 loan originator license renewal fee in the amount of \$75 dated January 17, 2008, was returned to the
7 Department as unpayable due to Not Sufficient Funds. On February 8, 2008, the Department sent a written
8 notice to Respondent Miller of the dishonored check and \$15 dishonored check fee. On March 18, 2008, the
9 Department sent a second notice to Respondent Miller. To date, Respondent Miller has not responded to the
10 Department's requests.

11 **1.2 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
12 Respondent Miller continues to date.

13 II. GROUNDS FOR ENTRY OF ORDER

14 **2.1 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
15 forth in Section I above, Respondent Miller fails to meet the requirements of RCW 19.146.300(1) and (2) and
16 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
17 prescribed by the Director.

18 **2.2 Requirement to Comply with Directives.** Based on the Factual Allegations set forth in Section I
19 above, Respondent Miller is in apparent violation of RCW 19.146.235 for failing to respond to a directive
20 issued by the Director or designated person.

21 **2.3 Requirement to Pay License Renewal Fee.** Based on the Factual Allegations set forth in Section I
22 above, Respondent Miller is in apparent violation of RCW 19.146.220(2)(c) for failing to pay a fee required by
23 the Director.

24
25

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(c),(d) and (e), the Director may
3 revoke a license for failure to pay a fee required by the director or maintain the required bond, failure to comply
4 with any directive, order, or subpoena of the director, or any violation of this chapter.

5 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a) and (d), the Director may
6 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
7 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
8 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or for
9 failure to comply with any directive or order of the director.

10 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c), (d), and (e) and (3)(b) and (6) and
11 WAC 208-660-530(6), the Director may impose daily fines up to \$100 per day per violation against licensees or
12 other persons subject to the Act for failure to pay a fee required by the director; failure to comply with any
13 directive, order, or subpoena of the director; or any violation of the Act.

14 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520(9), and
15 WAC 208-660-550(5), upon completion of any investigation of the books and records of a licensee or other
16 person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing
17 to cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-eight
18 dollars (\$48) per hour that each staff person devoted to the investigation.

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

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

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

24 **4.1** Respondent Shellie Marlene Miller's loan originator license be revoked.

25 **4.2** Respondent Shellie Marlene Miller 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 five years.

- 1 4.3 Respondent Shellie Marlene Miller pay a fine in the amount of \$3,000.
2
3 4.4 Respondent Shellie Marlene Miller pay an investigation fee in the amount of \$463.20 calculated at
4 \$48.00 per hour for the 9.65 staff hours devoted to the investigation.
5
6 4.5 Respondent Shellie Marlene Miller pay a loan originator application fee in the amount of \$75 and a Not
7 Sufficient Funds fee of \$15.

8 **V. AUTHORITY AND PROCEDURE**

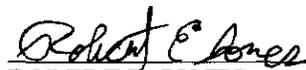
9 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from
10 Industry, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the
11 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to
12 the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written
13 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
14 FOR HEARING accompanying this Statement of Charges.

15 Dated this 3rd day of July, 2008.

16 

17 DEBORAH BORTNER
18 Director
19 Division of Consumer Services
20 Department of Financial Institutions

21 Presented by:

22 
23 ROBERT E. JONES
24 Financial Legal Examiner

25 Approved by:


JAMES BRUSSELBACK
Program Manager and Enforcement Chief

