

TERMS COMPLETED

FINAL ORDER SUMMARY – Case Number: C-08-252

Name(s) MiShawn McAfee Galaz aka Shawn G. McAfee aka Shawn Galaz McCafee
aka Poncho McAfee aka Shawn Galaz McAfee aka Shawn Galaz.

Order Number C-08-252-09-FO01

Effective Date February 23, 2009

License Number N/A
(Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect Denied

Not Apply until February 8, 2013

Prohibition/Ban until February 7, 2013

Investigation Costs	\$	Due	Paid		Date
			Y	N	

Assessment(s)	\$	Due	Paid		Date
			Y	N	

Monetary Penalty	\$	Due	Paid		Date
			Y	N	

Other

Special Instructions

Distribution:

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

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IN THE MATTER OF INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

NO. C-08-252-09-FO01

MISHAWN MCAFEE GALAZ aka SHAWN G.
MCAFEE aka SHAWN GALAZ MCCAFEE aka
PONCHO MCAFEE aka SHAWN GALAZ
MCAFEE, aka SHAWN GALAZ,

FINAL ORDER

Respondent.

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of
Financial Institutions of the State of Washington (Director), through his designee, Consumer Services
Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On September 5, 2008, the
Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of
Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from
Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into
this order by this reference. The Statement of Charges was accompanied by a cover letter dated
September 5, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank
Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter
dated September 5, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
Application for Adjudicative Hearing on Respondent on September 5, 2008 by First Class mail and
Federal Express overnight delivery. On September 17, 2008, the documents sent via Federal Express
overnight delivery were returned to the Department as undeliverable. The documents sent via First
Class mail were not returned to the Department by the United States Postal Service.

1 Respondent did not request an adjudicative hearing within twenty calendar days after the
2 Department served him with the Notice of Opportunity to Defend and Opportunity for Hearing, as
3 provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the Statement of Charges, cover letter dated September 5, 2008,
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative
7 Hearing, with documentation of service.

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

11 II. FINAL ORDER

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

14 A. IT IS HEREBY ORDERED, That:

- 15 1. Respondent MiShawn McAfee Galaz's application for a loan originator license is
16 denied; and
- 17 2. Respondent MiShawn McAfee Galaz is prohibited from participation in the conduct
18 of the affairs of any mortgage broker subject to licensure by the Director, in any
manner, through February 7, 2013.

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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1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
2 Reconsideration a prerequisite for seeking judicial review in this matter.

3 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
4 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
5 notice specifying the date by which it will act on a petition.

6 C. Stay of Order. The Director's designee has determined not to consider a Petition
7 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
8 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

9 D. Judicial Review. Respondent has the right to petition the superior court for judicial
10 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing
11 a Petition for Judicial Review, see RCW 34.05.510 and sections following.

12 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for
13 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
14 attached hereto.
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16 DATED this 23rd day of February, 2009.

17 STATE OF WASHINGTON
18 DEPARTMENT OF FINANCIAL INSTITUTIONS



19 [Redacted signature area]

20 DEBORAH BORTNER
21 DIRECTOR
22 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:

MISHAWN MCAFEE GALAZ aka SHAWN
G. MCAFEE aka SHAWN GALAZ
MCCAFEE aka PONCHO MCAFEE aka
SHAWN GALAZ MCAFEE, aka SHAWN
GALAZ,

Respondent.

NO. C-08-252-08-SC01

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

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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:

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I. FACTUAL ALLEGATIONS

1.1 Respondent MiShawn McAfee Galaz aka Shawn G. McAfee aka Shawn Galaz McCafee aka Poncho McAfee aka Shawn Galaz McAfee aka Shawn Galaz (Respondent Galaz) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Unicorn Mortgage, LLC, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about February 7, 2008.

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

1 **1.2 Prior Criminal Acts.** On or about April 15, 1997 Respondent Galaz was charged in Superior Court of
2 Washington for King County with [REDACTED]
3 [REDACTED] a Class C Felony. On or about May 27, 1997, Respondent Galaz plead guilty to [REDACTED]
4 [REDACTED] a misdemeanor.

5 On or about September 14, 1995, Respondent Galaz was charged in Superior Court of Washington for
6 King County with [REDACTED] a Class B Felony. On or about April 5,
7 1996, Respondent Galaz was found guilty of [REDACTED]

8 On or about November 17, 1994, Respondent Galaz was charged in Superior Court of Washington for
9 King County with [REDACTED] a Class C
10 Felony. On or about December 7, 1994 Respondent Galaz plead guilty to [REDACTED]
11 [REDACTED]

12 On or about February 10, 1993, Respondent Galaz was charged in Superior Court of Washington for
13 King County with [REDACTED] a Class B Felony. On or about March 17, 1993, Respondent
14 Galaz plead guilty to [REDACTED]

15 **1.3 Responses to Application Questions.** The "Criminal Disclosure" section of the loan originator license
16 application consists of eight questions, and includes the following instruction:

17 "If the answer to any of the following is "YES", provide complete details of all events or proceedings"
18 Respondent Galaz answered "no" to the following questions on the "Criminal Disclosure" section of his loan
19 originator license application:

- 20 • 1-Have you ever "Been convicted of or plead guilty or nolo contendere ("no contest") in a
21 domestic, foreign, or military court to any felony? If Yes, when and where?"
- 22 • 2-Have you ever "Been charged with any felony?"

23 Respondent Galaz was obligated by statute to answer questions on the loan originator license application
24 truthfully and to provide the Department with complete details of all events or proceedings.

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

2 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent
3 Galaz is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making any
4 false statement or willfully making any omission of material fact in connection with any application or any
5 information filed by a licensee in connection with any application, examination or investigation conducted by
6 the Department.

7 **2.2 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
8 forth in Section I above, Respondent Galaz fails to meet the requirements of RCW 19.146.300(1) and (2) and
9 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
10 prescribed by the Director.

11 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
12 forth in Section I above, Respondent Galaz fails to meet the requirements of RCW 19.146.310(1)(g) and WAC
13 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of
14 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes
15 of the Act.

16 **III. AUTHORITY TO IMPOSE SANCTIONS**

17 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
18 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
19 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
20 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
21 of the denial.

22 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
23 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
24 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
25 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

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

2 Respondent's 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, RCW 19.146.223 and RCW 19.146.310.

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

6 **4.1** Respondent MiShawn McAfee Galaz's application for a loan originator license be denied.

7 **4.2** Respondent MiShawn McAfee Galaz be prohibited from participation in the conduct of the affairs of
8 any mortgage broker subject to licensure by the Director, in any manner, through February 7, 2013.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and
3 Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
4 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05
5 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in
6 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
7 Statement of Charges.

8 Dated this 5th day of September, 2008.



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

15 Presented by:



16
17 FATIMA BATIE
18 Financial Legal Examiner Supervisor

19 Approved by:



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21 JAMES R. BRUSSELBACK
22 Enforcement Chief

