



**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Escrow Agent Registration Act of Washington by:

HIGA ESCROW SERVICE, INC., and  
CAROLEANN HIGA, Owner and Designated Escrow  
Officer,

Respondents.

NO. C-08-308-09-FO01

FINAL ORDER

**I. DIRECTOR'S CONSIDERATION**

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.440(2). On November 21, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke Licenses, Prohibit from Industry, Impose Fine, Collect Examination Fee, and Collect Investigation Fee (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 November 26, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Higa Escrow Service, Inc., and Caroleann Higa. The Department served the

1 Statement of Charges, cover letter dated November 26, 2008, Notice of Opportunity to Defend and  
2 Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Higa Escrow Service,  
3 Inc., and Caroleann Higa on Respondents on November 26, 2008, by First-Class mail and Federal  
4 Express overnight delivery, at Respondents' registered business address of 1810 116<sup>th</sup> Ave NE, Suite  
5 D2, Bellevue, Washington.

6         On December 8, 2008, Respondent Caroleann Higa (hereinafter Respondent Higa) filed an  
7 Application for Adjudicative Hearing. Respondent Higa did not include a current address on the  
8 Application, however. No Application for Administrative Hearing was filed for Respondent Higa  
9 Escrow Service, Inc. On December 11, 2008, Respondent Higa contacted the Department by  
10 telephone and provided a new business address of 16301 NE 8<sup>th</sup> Street, Suite 261, Bellevue,  
11 Washington. On March 4, 2009, the Department made a request to the Office of Administrative  
12 Hearings (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on  
13 the Statement of Charges, and provided OAH with Respondent Higa's new business address. On June  
14 3, 2009, ALJ Jill Geary issued a Notice of Pre-Hearing Telephone Conference scheduling a prehearing  
15 conference on Tuesday, June 23, 2009, at 9:30 a.m. That Notice was served on Respondent Higa by  
16 First-Class mail at 16301 NE 8<sup>th</sup> Street, Suite 261, Bellevue, Washington, and contained the following  
17 instruction to the parties: "Parties shall appear by calling locally (206) 389-3400 or long-distance (800)  
18 845-8830 ten minutes before the time designated above...." That Notice also stated, "If you fail to  
19 appear or participate in the pre-hearing conference, hearing, or any other scheduled stage of these  
20 proceedings, you may lose your right to a hearing as described in RCW 34.05.440."  
21

22         On June 23, 2009, the prehearing conference was convened by ALJ Geary at 9:30 a.m., but  
23 Respondent Higa failed to appear or otherwise contact OAH. In an abundance of caution, ALJ Geary  
24 continued the prehearing conference so that notice could be mailed to Respondent Higa at her former  
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1 business address of 1810 116<sup>th</sup> Ave NE, Suite D2, Bellevue, Washington, which was still  
2 Respondents' registered address with the Department<sup>1</sup> and with the Secretary of State. On June 24,  
3 2009, ALJ Geary issued an Order of Continuance of Prehearing Conference setting a new prehearing  
4 conference for Tuesday, August 4, 2009, at 9:30 a.m. That Order was served upon Respondent Higa  
5 by First-Class mail at 1810 116<sup>th</sup> Ave NE, Suite D2, Bellevue, Washington, and at 16301 NE 8<sup>th</sup>  
6 Street, Suite 261, Bellevue, Washington, and contained the following instruction: "You must provide  
7 this office with a telephone number where you can be reached for the prehearing conference, or a  
8 default or dismissal may be entered." At no time prior to August 4, 2009, did Respondent Higa  
9 contact OAH and provide a telephone number where Respondent Higa could be reached for the  
10 prehearing conference.  
11

12 On August 4, 2009, the prehearing conference was convened by ALJ Geary at 9:30 a.m., but  
13 Respondent Higa failed to appear. The Department moved for an order of default based on  
14 Respondents' failure to appear. On August 27, 2009, ALJ Geary issued an Order of Default, affirming  
15 the Statement of Charges and dismissing the appeal. On September 1, 2009, the Department filed a  
16 Motion for Modification of Order of Default to clarify that the Order applied to both Respondent Higa  
17 Escrow Service, Inc., and Respondent Higa. The Motion was served on Respondents at both addresses  
18 set forth above. On October 26, 2009, ALJ Geary granted the Department's Motion and required the  
19 Department to provide a proposed Order no later than November 17, 2009. On November 9, 2009,  
20 ALJ Geary entered an Initial Order of Default finding both Respondents in default and dismissing their  
21 appeal. The Initial Order of Default was served upon Respondents the same day by First-Class mail.  
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25 <sup>1</sup> On December 11, 2008, Respondent Higa had been instructed orally by the Department to file an address change with the  
Department's Division of Consumer Services licensing unit, but she failed to do so.

1 Pursuant to RCW 34.05.440(3), Respondents had seven days from the date of service of the  
2 Initial Order of Default to file a written motion with OAH requesting that the Initial Order of Default  
3 be vacated, and stating the grounds relied upon. Respondents did not make a request to vacate during  
4 the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondents had 20 days  
5 from the date of service of the Initial Order of Default to file a Petition for Review of the Initial Order  
6 of Default with the Director. Respondents did not file a Petition for Review during the statutory  
7 period.  
8

9 B. Record Presented. The record presented to the Director for his review and for entry of  
10 a final decision included the following:

- 11 1. Statement of Charges, cover letter dated November 26, 2008, and Notice of  
12 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 13 2. Applications for Adjudicative Hearing for Respondent Caroleann Higa;
- 14 3. Request to OAH for Assignment of Administrative Law Judge;
- 15 4. Notice Pre-Hearing Telephone Conference dated June 3, 2009, with documentation of  
16 service;
- 17 5. Order of Continuance of Prehearing Conference dated August 4, 2009, with  
18 documentation of service;
- 19 6. Order of Default dated August 27, 2009, with documentation of service;
- 20 7. Motion for Modification of Order of Default dated September 1, 2009, with  
21 documentation of service.
- 22 8. Order on Department's Motion to Amend Order of Default dated October 26, 2009,  
23 with documentation of service;
- 24 9. Initial Order of Default dated November 9, 2009, with documentation of service.

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

1 II. FINAL ORDER

2 Based upon the foregoing, and the Director having considered the record and being  
3 otherwise fully advised, NOW, THEREFORE:

4 A. IT IS HEREBY ORDERED, that:

- 5 1. Respondent Higa Escrow Service, Inc.'s license to conduct the business of an escrow  
6 agent is revoked;
- 7 2. Respondent Caroleann Higa's license to conduct the business of a designated escrow  
8 officer is revoked;
- 9 3. Respondent Caroleann Higa is prohibited from participating in the conduct of the  
10 affairs of any licensed escrow agent, as officer, controlling person, director, employee, or  
11 licensed escrow officer for a period of five years from the date of this Final Order;
- 12 4. Respondents Higa Escrow Service, Inc., and Caroleann Higa shall jointly and  
13 severally pay a fine in the amount of \$25,000;
- 14 5. Respondents Higa Escrow Service, Inc., and Caroleann Higa shall jointly and  
15 severally pay the costs of examination in the amount of \$8,718.75;
- 16 6. Respondents Higa Escrow Service, Inc., and Caroleann Higa shall jointly and  
17 severally pay an investigation fee in the amount of \$500.00; and
- 18 7. Respondents Higa Escrow Service, Inc., and Caroleann Higa shall maintain all  
19 records involving Washington escrow transactions for a minimum of six years following  
20 the closing or termination of the escrow transaction.

21 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a  
22 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
23 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
24 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
25 Washington 98504-1200, within ten days of service of the Final Order upon Respondents. 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.

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

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

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

10 E. Non-compliance with Order. If you do not comply with the terms of this order within 30  
11 days of service, the Department may seek its enforcement by the Office of Attorney General to include  
12 the collection of the fine and fees imposed herein.

13 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
14 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
15 attached hereto.

16  
17 DATED this 1st day of February 2010.



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

  
SCOTT JARVIS  
DIRECTOR

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RECEIVED

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OAH SEATTLE

ATTORNEY GENERAL  
OF WASHINGTON

NOV 10 2009

GOVERNMENT COMPLIANCE  
& ENFORCEMENT

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF:

HIGA ESCROW SERVICE, INC., and  
CAROLEANN HIGA, Owner and  
Designated Escrow Officer,

Respondents.

OAH Docket No. 2009-DFI-0012

DFI No. C-08-308-08-SC01

INITIAL ORDER OF DEFAULT

~~PROPOSED~~

The Department of Financial Institutions, Division of Consumer Services (Department) issued Respondents, Higa Escrow Services, Inc., and Caroleann Higa, a Statement of Charges and Notice of Intent to Revoke Licenses, Prohibition from Industry, Impose Fine, Collect Examination Fee, and Collect Investigation Fee (Statement of Charges), on November 21, 2008. The Statement of Charges alleges violations of Chapter 18.44 of the Revised Code of Washington.

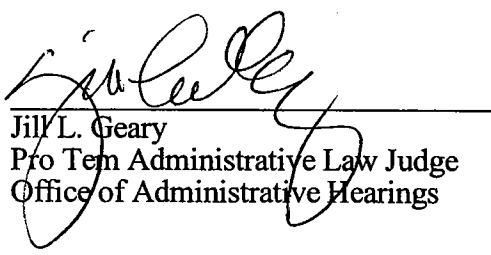
Respondents appealed the Statement of Charges and the Office of Administrative Hearings has jurisdiction of this matter pursuant to RCW 18.44.270. A Prehearing Conference was scheduled for June 23, 2009, at 9:30 a.m. by telephone. A NOTICE OF PREHEARING CONFERENCE was mailed to the parties on June 3, 2009. The Department appeared for the hearing through its representative. The Respondents did not appear at the hearing. Upon review of the file, there was some question about whether the correct address was used for the Respondents. It was agreed that the matter would be rescheduled and notice would be resent to the Respondents.

1 A Prehearing Conference was then scheduled for August 4, 2009, at 9:30 a.m. by  
2 telephone. An Order of Continuance of Prehearing Conference was mailed to the parties  
3 on June 24, 2009. The Department appeared for the hearing through its representative. The  
4 Respondent did not appear for the continued prehearing conference. The Department moved  
5 for an order of default. The Order of continuance of Prehearing Conference contained the  
6 following language:

7 You must provide this Office with a telephone number where you can be reached  
8 for the prehearing conference, or a default or dismissal may be entered.

9 ORDER

10 IT IS HEREBY ORDERED that the Respondents have failed to appear or participate  
11 and are in default, pursuant to RCW 34.05.440(2). THEREFORE, IT IS FURTHER  
12 ORDERED that Respondents' appeal is DISMISSED.  
13 SERVED on the date of mailing.

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16 Jill L. Geary  
17 Pro Tem Administrative Law Judge  
18 Office of Administrative Hearings  
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1 **NOTICE TO PARTIES**

2 **Petition to Vacate Default**

3 A party may file a petition to vacate this order of default with the Office of Administrative  
4 Hearings. Pursuant to RCW 34.05.440(3) any petition to vacate this order must be filed with the  
5 Office of Administrative Hearings within seven (7) days from the date this order is served. The  
6 address for the Office of Administrative Hearings is:

7 Office of Administrative hearings  
8 One Union Square  
9 600 University St., Suite 1500  
Seattle, WA 98101-1129

10 **Petition for Review**

11 Any party to an adjudicative proceeding may file a Petition for Review of an initial order.  
12 RCW 34.05.464 and WAC 10-08-211. The Petition for Review shall be filed with the Director of  
13 the Department of Financial Institutions within twenty (20) days of the date of service of this  
14 Initial Order. The deadline to file a Petition for Review is 29<sup>th</sup>, 2009.

15 Copies of the petition shall be served upon all other parties or their representatives at  
16 the time the petition is filed. The petition for review shall specify the portions of the initial  
17 order to which exception is taken and shall refer to the evidence of record which is relied upon  
18 to support the petition.

19 Any party may file a reply to a petition for review. The reply shall be filed with the  
20 office where the petition for review was filed within ten (10) days of the date of service of the  
21 petition and copies of the reply shall be served upon all other parties or their representatives at  
22 the time the reply is filed.

23 **Address for filing a Petition for Review:**

24 **Scott Jarvis**  
25 **Director**  
26 **Department of Financial Institutions**  
**150 Israel Rd SW**  
**Tumwater, WA 98501**

1 After the time for filing a Petition for Review has elapsed, the Director of the  
2 Department of Financial Institutions will issue a Final Order. Within ten days (10) of the  
3 service of a Final Order, any party may file a petition for reconsideration, stating the specific  
4 grounds upon which relief is requested. RCW 34.05.470 and WAC 10-08-215. The agency is  
5 deemed to have denied the petition for reconsideration if, within twenty days from the date the  
6 petition is filed, the agency does not either: (a) dispose of the petition; or (b) serve the parties  
7 with a written notice specifying the date by which it will act on the petition.

8 Judicial review of the Final Order is available to a party according to the provisions set  
9 out in RCW 34.05.570.

10 A copy of this Initial Order of Default was sent to:

11 Caroleann Higa, Respondent, and Representative for Respondent Higa Escrow Service, Inc.  
12 Charles E. Clark, AAG  
13 James R. Brusselback, Department Representative  
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3 **STATE OF WASHINGTON**  
4 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
5 **DIVISION OF CONSUMER SERVICES**

6 **IN THE MATTER OF DETERMINING**  
7 **Whether there has been a violation of the**  
8 **Escrow Agent Registration Act of Washington**  
9 **by:**

10 **HIGA ESCROW SERVICE, INC., and**  
11 **CAROLEANN HIGA, Owner and Designated**  
12 **Escrow Officer,**

13 **Respondents.**

14 **NO. C-08-308-08-SC01**

15 **STATEMENT OF CHARGES and**  
16 **NOTICE OF INTENT TO REVOKE**  
17 **LICENSES, PROHIBIT FROM INDUSTRY,**  
18 **IMPOSE FINE, COLLECT EXAMINATION**  
19 **FEE, AND COLLECT INVESTIGATION FEE**

20 **INTRODUCTION**

21 Pursuant to RCW 18.44.410, the Director of the Department of Financial Institutions (Director) is  
22 responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (the Act).  
23 After having conducted an investigation pursuant to RCW 18.44.420 and WAC 208-680G-020, and  
24 based upon the facts available as of the date of this document, the Director, through his designee, Deborah  
25 Bortner, Division Director, Division of Consumer Services, institutes this proceeding and finds as  
follows:

1 **I. FACTUAL ALLEGATIONS**

2 **1.1 Respondents.**

3 **A. Higa Escrow Services, Inc., (Respondent Higa Escrow)** was licensed by the  
4 Department to conduct the business of an escrow agent on November 28, 2000, and has continued to  
5 be licensed to date. Respondent Higa Escrow is licensed to conduct business from one location at  
6 1810 116<sup>th</sup> Ave NE, Bellevue, Washington.

1           **B. Caroleann Higa (Respondent Higa)** is the owner and Designated Escrow Officer  
2 (DEO) of Respondent Higa Escrow. Respondent Higa was appointed DEO for Respondent Higa  
3 Escrow on November 28, 2000, and has continued to be DEO to date.

4       **1.2 Examination.** From July 8, 2008, through July 22, 2008, the Department conducted an  
5 examination of the Respondents' business practices for the period of March 11, 2003, through June 30,  
6 2008. On September 4, 2008, the Department sent Respondents an invoice for payment of the  
7 examination fee in the amount of \$8,718.75, with a due date of October 4, 2008. As of the date of these  
8 charges, the examination fee has not been paid.

9       **1.3 Failure to Reconcile Trust Account.** Respondents failed to prepare a monthly reconciliation  
10 of their trust accounts from early 2007 through the date of the examination. This is a repeat violation  
11 from Respondents' 2003 examination, a copy of which was previously provided to Respondents.

12       **1.4 Failure to Timely File Quarterly Reports.** Respondents failed to submit quarterly reports for all  
13 four quarters of 2007 and the first quarter of 2008 within 30 days of the last day of the quarter. The  
14 reports were subsequently provided to the Department on July 23, 2008.

15       **1.5 Disbursing Funds from an Escrow Account Exceeding Funds Received.** In the following  
16 three escrow transactions, Respondents disbursed funds from an escrow account in excess of the funds  
17 received for the transaction. This is a repeat violation from Respondent's 2003 examination, a copy of  
18 which was previously provided to Respondents.

19           **A.** In escrow 06-1098-CMH, the customer's refinance transaction required the payoff of his  
20 previous mortgage with Washington Mutual Bank (WAMU). Respondents received \$792,887.91 for  
21 this purpose and remitted a check in that amount to WAMU. The check was returned to Respondents,  
22 however, because it was short of the total amount required to payoff the loan. Respondents then wired  
23 WAMU the correct amount, \$794,063.24, but did not collect the additional funds from the customer.  
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1 As a result, the escrow account was overdrawn by \$1,100.20 and remained overdrawn as of the date of  
2 the examination referenced in section 1.2, above.

3 **B.** In escrow 05-1481-CMH, Respondents gave a seller a \$300 reduction in the escrow fee  
4 based upon repeat business from the seller, but did not deduct the discount in the escrow register. As a  
5 result, the escrow account was overdrawn in the amount of \$300, and remained overdrawn as of the  
6 date of the examination referenced in section 1.2, above.

7 **C.** In escrow 05-1199-CMH, the escrow file contains a receipt dated April 20, 2005,  
8 acknowledging that a check for \$27,963.06 was received from a buyer. The Department's examiners,  
9 however, were unable to find a corresponding deposit in Respondents' trust account bank statements,  
10 but found a handwritten note on the receipt stating, "OK to process per Carole. She received CK but  
11 we couldn't find check." The Department's examiners did find, however, a corresponding disbursement of  
12 \$27,963.06 from Respondents' trust account. As a result, the trust account was overdrawn in that  
13 amount and remained overdrawn as of the date of the examination referenced in section 1.2, above.

14 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the Act  
15 by Respondents continues to date.  
16

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

18 **2.1 Requirement to Reconcile Accounts.** Based on the factual allegations set forth in Section I  
19 above, Respondents are in apparent violation of RCW 18.44.400(1) and WAC 208-680E-011(9) for  
20 failing to prepare a monthly reconciliation of the ledger with the trust account bank statement and the trust  
21 account receipts and disbursement records.

22 **2.2 Requirement to Timely File Quarterly Reports.** Based on the factual allegations set forth in  
23 Section I above, Respondents are in apparent violation of RCW 18.44.430(1)(b) and WAC 208-680E-  
24 025(1) for failing to timely file quarterly reports.  
25

1 **2.3 Prohibition against Disbursing Funds from an Escrow Account Exceeding the Deposits for**  
2 **the Transaction.** Based on the factual allegations set forth in Section I above, Respondents are in  
3 apparent violation of RCW 18.44.400(3) and WAC 208-680E-011(14)(c) for disbursing funds from an  
4 escrow account in excess of the amount deposited for the transaction.

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

6 **3.1 Authority to Revoke License.** Pursuant to RCW 18.44.430(1)(b), the Director may revoke  
7 the license of any escrow agent or escrow officer for violating any of the provisions of the Act or any  
8 lawful rules made by the Director pursuant to the Act.

9 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 18.44.430(3), in addition to or in  
10 lieu of license denial the Director may remove and/or prohibit from participation in the conduct of the  
11 affairs of a licensed escrow agent, any officer, controlling person, director, employee, or licensed  
12 escrow officer.

13 **3.3 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in  
14 addition to or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's  
15 violation of the Act or rules adopted thereunder.

16 **3.4 Authority to Collect Examination and Investigation Fee.** Pursuant to RCW 18.44.410 and  
17 WAC 208-680G-050, the expense of an examination pursuant to WAC 208-680G-010 or an investigation  
18 pursuant to WAC 208-680G-020 shall be borne by the entity which is the subject of the investigation.

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

20 Respondents' violations of the provisions of chapter 18.44 RCW as set forth in the above Factual  
21 Allegations and Grounds For Entry Of Order constitute a basis for the entry of an Order under RCW  
22 18.44.410, RCW 18.44.430, RCW 18.44.301, and WAC 208-680G-030, which authorize the Director to  
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1 enforce all laws, rules, and regulations related to the registration of escrow agents and licensing of escrow  
2 officers. Therefore, it is the Director's intention to ORDER that:

3 **4.1** Respondent Higa Escrow Services, Inc.'s license to conduct the business of an escrow agent be  
4 revoked; and

5 **4.2** Respondent Caroleann Higa's license to conduct the business of a designated escrow officer be  
6 revoked; and

7 **4.3** Respondent Caroleann Higa be prohibited from participating in the conduct of the affairs of any  
8 licensed escrow agent, as officer, controlling person, director, employee, or licensed escrow officer for a  
9 period of five years; and

10 **4.4** Respondents Higa Escrow Services, Inc., and Caroleann Higa jointly and severally pay a fine  
11 which as of the date of these charges totals \$25,000; and

12 **4.5** Respondents Higa Escrow Services, Inc., and Caroleann Higa jointly and severally pay the  
13 costs of examination which as of the date of these charges totals \$8,718.75, calculated at \$62.50 per  
14 hour for 139.5 staff hours devoted to the examination; and

15 **4.6** Respondents Higa Escrow Services, Inc., and Caroleann Higa jointly and severally pay an  
16 investigation fee which as of the date of these charges totals \$500.00, calculated at \$62.50 per hour for  
17 eight staff hours devoted to the investigation; and

18 **4.7** Respondents Higa Escrow Services, Inc., and Caroleann Higa maintain all records involving  
19 Washington escrow transactions for a minimum of six years following the closing or termination of the  
20 escrow transaction.

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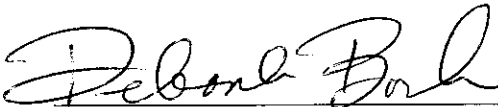
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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intent to Revoke License, Prohibit from Industry, Impose Fine, Collect Examination Fee, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 18.44.410 and RCW 18.44.430, and is subject to the provisions of chapter 34.05 RCW. Respondents 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 21<sup>st</sup> day of November, 2008.


  
DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
STEVEN C. SHERMAN  
Financial Legal Examiner



Approved by:

  
JAMES R. BRUSSELBACK  
Enforcement Chief