

Terms Completed

ORDER SUMMARY – Case Number: C-08-410

Name(s): Columbia Mortgage Inc dba CMI
 Tyler Joseph Porter
 Grant Evans Porter
 Justin J. Astorquia

Order Number: C-08-410-09-CO01

Effective Date: February 3, 2009

License Number: DFI: 27771 [NMLS: 2198] -Columbia
Or NMLS Identifier [U/L] DFI: 27775 [NMLS: 5452] –Tyler Porter
 DFI: 32157 [NMLS: 5454] –Justin astorquia
(Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: None

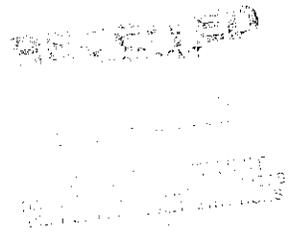
Not Apply Until: n/a

Not Eligible Until:

Prohibition/Ban Until: n/a

Investigation Costs	\$136.80	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$1,600	Due	Paid <input checked="" 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:



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

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

NO. C-08-410-09-CO01

COLUMBIA MORTGAGE, INC., dba CMI,
TYLER JOSEPH PORTER, President, Owner and
Designated Broker, GRANT EVANS PORTER,
Owner, and JUSTIN J. ASTORQUIA, Owner,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Columbia Mortgage, Inc. (hereinafter Respondent Columbia Mortgage), Tyler Joseph Porter, President, Owner and Designated Broker (hereinafter Respondent Tyler Porter), Grant Evans Porter (hereinafter Respondent Grant Porter), Owner, and Justin J. Astorquia, Owner (hereinafter Respondent Astorquia), and finding that the issues raised in the 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 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-08-410-08-SC01 (Statement of Charges), entered December 30, 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, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend

1 this Consent Order to fully resolve the Statement of Charges. Respondents are agreeing not to contest the
2 Statement of Charges in consideration of the terms of this Consent Order.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
7 before an administrative law judge, and that they hereby waive their right to a hearing and any and all
8 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

9 **C. Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$1,600, in the form of a
10 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

11 **D. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
12 of \$136.80, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
13 Consent Order.

14 **E. Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and
15 warranted that they have the full power and right to execute this Consent Order on behalf of the parties
16 represented.

17 **F. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
18 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
19 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
20 pursuing such action, including but not limited to, attorney fees.

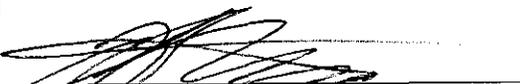
21 **G. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into
22 this Consent Order, which is effective when signed by the Director's designee.

23 **H. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
24 Consent Order in its entirety and fully understand and agree to all of the same.

1 **RESPONDENTS:**

2 **Columbia Mortgage, Inc.**

3 By:

4 
5 Tyler Joseph Porter
6 President, Owner and Designated Broker

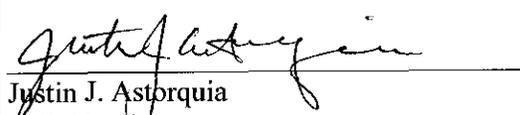
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Date

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8 Tyler Joseph Porter
9 Individually

1-29-09
Date

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11 Grant Evans Porter
12 Individually

1/29/09
Date

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14 Justin J. Astorquia
15 Individually

1/29/09
Date

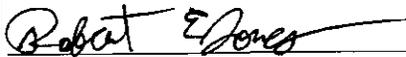
16 **DO NOT WRITE BELOW THIS LINE**

1 THIS ORDER ENTERED THIS 3rd DAY OF February, 2009.

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4 DEBORAH BORTNER
5 Director
6 Division of Consumer Services
7 Department of Financial Institutions

8 Presented by:

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10 ROBERT E. JONES
11 Financial Legal Examiner

12 Approved by:

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14 JAMES R. BRUSSELBACK
15 Enforcement Chief



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

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

NO. C-08-410-08-SC01

COLUMBIA MORTGAGE, INC., dba CMI,
TYLER JOSEPH PORTER, President, Owner and
Designated Broker, GRANT EVANS PORTER,
Owner, and JUSTIN J. ASTORQUIA, Owner,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

Respondents.

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 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 Respondents.

A. **Columbia Mortgage, Inc., (Respondent Columbia)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on March 29, 2005, and continued to be licensed through December 31, 2007, when its license expired². Respondent Columbia renewed its license on January 31, 2008. Respondent Columbia was not licensed from January 1, 2008, through January 30, 2008.

¹ RCW 19.146 (2006)

² RCW 19.146.210(4).

1 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
2 I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a mortgage
3 broker without first obtaining and maintaining a license under the Act.

4 **2.4 Requirement to Timely Renew License and Refrain from Conducting Business.** Based on the
5 Factual Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660-
6 163(16), (17), and (18) for continuing to conduct the business of a mortgage broker after failing to timely renew
7 a license under the Act.

8 **III. AUTHORITY TO IMPOSE SANCTIONS**

9 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), and (3)(a), the Director may impose
10 fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any
11 violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW
12 19.146.200, RCW 19.146.205(4), or RCW 19.146.265, or any violation of the Act.

13 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
14 208-660-550(5), upon completion of any investigation of the books and records of a licensee or other person subject
15 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
16 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
17 devoted to the investigation.

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

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

23 **4.1** Respondents Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J.
24 Astorquia jointly and severally pay a fine of \$2,250; and

25 **4.2** Respondents Columbia Mortgage, Inc., Tyler Joseph Porter, Grant Evans Porter, and Justin J.
Astorquia jointly and severally pay an investigation fee, which as of the date of these charges is
\$136.80 calculated at \$48 per hour for 2.85 staff hours devoted to the investigation.

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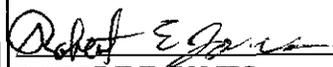
V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (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). 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 30th day of December, 2008.


DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


ROBERT E. JONES
Financial Legal Examiner

Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief