

TERMS COMPLETED

FINAL ORDER SUMMARY – Case Number: C-08-411

Name(s) Manna Mortgage, LLC, dba Manna Mortgage and Brian Lee Ammon

Order Number C-08-411-09-FO01

Effective Date July 28, 2009

License Number 510-MB-26510

License Effect None

Not Apply until N/A

Prohibition/Ban until N/A

Investigation Costs	\$129.60	Due	Paid	Date: 12/6/2012
			Yes	

Assessment(s)	\$	Due	Paid	Date
			Y N	

Monetary Penalty	\$600.00	Due	Paid	Date: 12/6/2012
			Yes	

Other

Special Instructions



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

NO. C-08-411-09-FO01

MANNA MORTGAGE, LLC, dba MANNA
MORTGAGE and BRIAN LEE AMMON,
Designated Broker,
Respondents.

FINAL ORDER

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 December 30, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Impose Fine 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 January 2, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Manna Mortgage, LLC, and Brian Lee Ammon. The Department served the Statement of Charges, cover letter dated January 2, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Manna Mortgage, LLC, and Brian Lee Ammon on Respondents on January 2, 2009 by First-Class mail and Federal Express overnight delivery. On January 5, 2009, the documents sent via Federal Express overnight delivery were delivered. The documents sent via First-Class mail were not returned to the Department by the

1 United States Post Office. On January 20, 2009, Respondent Brian Lee Ammon filed an Application
2 for Adjudicative Hearing indicating that he did not request an adjudicative hearing. Respondent
3 Manna Mortgage, LLC, did not file an Application for Adjudicative Hearing.

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

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8 B. Record Presented. The record presented to the Director's designee for her review and
9 for entry of a final decision included the following:

- 10 1. Statement of Charges, cover letter dated January 2, 2009, Notice of Opportunity to
11 Defend and Opportunity for Hearing, and blank Applications for Adjudicative
12 Hearing for Manna Mortgage, LLC, and Brian Lee Ammon with documentation of
13 service;
- 14 2. Application for Adjudicative Hearing for Respondent Brian Lee Ammon.

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

17 II. FINAL ORDER

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

20 A. IT IS HEREBY ORDERED, That:

- 21 1. Respondents Manna Mortgage, LLC, and Brian Lee Ammon jointly and severally pay
22 a fine of \$600; and
- 23 2. Respondents Manna Mortgage, LLC, and Brian Lee Ammon jointly and severally pay
24 an investigation fee of \$129.60.

25 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition

1 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
2 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
3 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
4 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
5 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

16 E. Non-compliance with Order. If you do not comply with the terms of this order, the
17 Department may seek its enforcement by the Office of Attorney General to include the collection of the
18 fines, fees and restitution imposed herein.

19 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
20 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
21 attached hereto.
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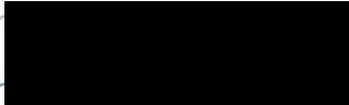
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DATED this 28th day of July, 2009.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES



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

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

NO. C-08-411-08-SC01

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MANNA MORTGAGE, LLC, dba MANNA
MORTGAGE and BRIAN LEE AMMON,
Designated Broker,

Respondents.

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

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 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. **Manna Mortgage, LLC, (Respondent Manna Mortgage)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on January 12, 2005, and continued to be licensed through December 31, 2007, when its license expired². Respondent Manna Mortgage renewed its license on January 9, 2008. Respondent Manna Mortgage was not licensed from January 1, 2008, through January 8, 2008.

B. **Brian Lee Ammon (Respondent Ammon)** is the Principal Owner and Designated Broker of Respondent Manna Mortgage, LLC. Respondent Ammon was issued a Loan Originator license on January 1, 2007, and continues to be licensed to date.

¹ RCW 19.146 (2006).

² RCW 19.146.210(4).

1 **1.2 Untimely Renewal of Mortgage Broker License.** In order to continue conducting business in 2008,
2 the Respondents were required to renew their mortgage broker license before January 1, 2008. The
3 Respondents did not renew their mortgage broker license timely and as a result could not conduct the business
4 of a mortgage broker until their license was renewed on January 9, 2008.

5 **1.3 Unlicensed Activity.** Between at least January 1, 2008, and January 8, 2008, Respondents performed
6 activity that would require licensure as a mortgage broker under the Act..

7 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
8 Respondents continues to date.

9 II. GROUNDS FOR ENTRY OF ORDER

10 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,
11 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
12 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
13 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
14 person in obtaining or applying to obtain a residential mortgage loan.

15 **2.2 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in
16 apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device or
17 artifice to defraud or mislead borrowers or lenders or any person, for engaging in an unfair or deceptive practice
18 toward any person, and for obtaining property by fraud or misrepresentation.

19 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
20 I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a mortgage
21 broker without first obtaining and maintaining a license under the Act.

22 **2.4 Requirement to Timely Renew License and Refrain from Conducting Business.** Based on the
23 Factual Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660-
24 163(16), (17), and (18) for continuing to conduct the business of a mortgage broker after failing to timely renew
25 a license under the Act.

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III. AUTHORITY TO IMPOSE SANCTIONS

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

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

IV. NOTICE OF INTENTION TO ENTER ORDER

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

4.1 Respondents Manna Mortgage, LLC and Brian Lee Ammon jointly and severally pay a fine of \$600; and

4.2 Respondents Manna Mortgage, LLC and Brian Lee Ammon jointly and severally pay an investigation fee, which as of the date of these charges is \$129.60 calculated at \$48 per hour for 2.7 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.

[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted Signature]

ROBERT E. JONES
Financial Legal Examiner

Approved by:

[Redacted Signature]

JAMES R. BRUSSELBACK
Enforcement Chief