

Terms Completed

FINAL ORDER SUMMARY – Case Number: C-08-419

Name(s) William Charles Lacey, Jr.

Order Number C-08-419-09-FO01

Effective Date June 18, 2009

License Number 510-LO-50414
(Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect Denied

Not Apply until October 22, 2015

Prohibition/Ban until Through October 21, 2015

Investigation Costs	\$ 0	Due	Paid		Date
			Y	N	

Assessment(s)	\$ 0	Due	Paid		Date
			Y	N	

Monetary Penalty	\$ 0	Due	Paid		Date
			Y	N	

Other

Special Instructions

Distribution: Original to Enforcement File
Copy to Licensing Supervisor with Licensing File and copy of Final/Consent Order
Information to Database(s) – Branch, Individual, Contact Person

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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:

WILLIAM CHARLES LACEY, JR.,
Respondent.

NO. C-08-419-09-FO01

FINAL ORDER

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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 May 12, 2009, 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 (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 May 13, 2009, 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 May 13, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on May 13, 2009 by First Class mail and Federal Express overnight delivery. On May 14, 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 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 May 14, 2009, Notice of
6 Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing,
7 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.
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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 William Charles Lacey Jr's., application for a loan originator license be
16 denied.
- 17 2. Respondent William Charles Lacey Jr., be prohibited from participation in the
18 conduct of the affairs of any mortgage broker subject to licensure by the Director,
in any manner, through October 21, 2015.

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 18th day of June, 2009.



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18 STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

19
20 [REDACTED]
21 DEBORAH BORTNER
DIRECTOR
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:

WILLIAM CHARLES LACEY, JR.,

Respondent.

NO. C-08-419-09-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 19.146.310 and RCW 19.146.235, 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 William Charles Lacey, Jr., (Respondent Lacey) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Access Mortgage Company Inc, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about October 21, 2008.

1.2 Prior Criminal Acts. On or about February 22, 2006, Respondent Lacey was charged with [REDACTED] a misdemeanor, contrary to Seattle Municipal Code 11.56.320(D), in the Municipal Court of the City of Seattle, King County, Washington. On February 27, 2007, Bench Warrant #990320374 was issued as Respondent Lacey failed to appear. On March 14, 2007, a License Hold Notice was sent to the Department of Licensing by the Seattle Municipal Court.

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

1 On or about May 8, 2002, Respondent Lacey was charged with [REDACTED] a Felony, in violation of Arizona
2 Revised Statutes, 13-1802, Case No. 2673096 CR, in the City of Phoenix Municipal Court, Maricopa County,
3 for the State of Arizona. On or about May 14, 2002, Respondent Lacey pled guilty in Case No. 2673096.

4 On August 21, 2001, Respondent Lacey was charged with (Count I) [REDACTED] and
5 (Count II) [REDACTED] a felony, in violation of Arizona Revised Statutes, 13-3401,
6 13-3405, 13-3418, 13-701, 13-702, and 13-801, Case No. CR2001-004784. On or about August 27, 2001,
7 Respondent pled guilty and was found guilty of Count I (amended): [REDACTED], a misdemeanor,
8 in violation of Arizona Revised Statutes, 13-3401, 13-3405, 13-3418, 13-707, 13-802, and 13-901.01(A),
9 regarding Case No. CR2001-004784.

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

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

- 15 • (D) 1 - Have you ever been convicted of or pled guilty or nolocontendere ("no contest") in a
16 domestic, foreign, or military court to any felony?
- 17 • (D) 2 - Have you ever been charged with any felony?
- 18 • (F) 1 - Have you ever been convicted or pled guilty or nolo contendere ("no contest") in a
19 domestic, foreign, or military court to a misdemeanor involving: financial services or a financial
20 services related business or any fraud, false statements or omissions, theft or any wrongful taking of
21 property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these
22 offenses?
- 23 • (F) 2 - Are there pending charges against you for a misdemeanor specified in F(1)?

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

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

2 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,
3 Respondent Lacey fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by
4 having been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony within
5 seven years of the filing of the present application.

6 **2.2 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent
7 Lacey is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making
8 any false statement or willfully making any omission of material fact in connection with any application or any
9 information filed by a licensee in connection with any application, examination or investigation conducted by
10 the Department.

11 **2.3 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
12 forth in Section I above, Respondent Lacey fails to meet the requirements of RCW 19.146.300(1) and (2) and
13 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
14 prescribed by the Director.

15 **2.4 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
16 forth in Section I above, Respondent Lacey fails to meet the requirements of RCW 19.146.310(1)(g) and WAC
17 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the confidence of
18 the community and to warrant a belief that the business will be operated honestly and fairly within the purposes
19 of the Act.

20 **III. AUTHORITY TO IMPOSE SANCTIONS**

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

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

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

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

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

10 **4.1** Respondent William Charles Lacey Jr.'s application for a loan originator license be denied.

11 **4.2** Respondent William Charles Lacey Jr.'s be prohibited from participation in the conduct of the
12 affairs of any mortgage broker subject to licensure by the Director, in any manner, through
13 October 21, 2015.

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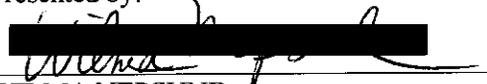
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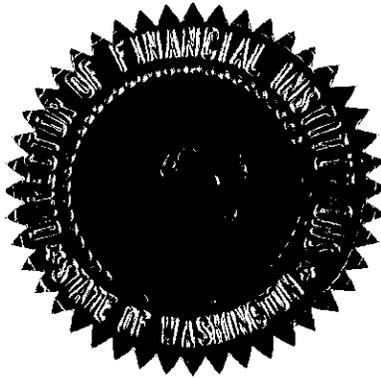
V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (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). Respondent 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 13th day of May, 2009.


DEBORAH BORTNER
Director, Division of Consumer Services
Department of Financial Institutions

Presented by:

WILMA NEPSUND
Financial Examiner



Approved by:

FATIMA BATIE
Financial Legal Examiner Supervisor