



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:

COMMUNITY HOME LENDING, INC., and
CURTIS DEAN ORVIK, President, Owner and
Designated Broker,

Respondents.

NO. C-09-030-09-FO01

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 July 28, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Suspend License, 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 July 28, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Curtis Dean Orvik and Community Home Lending, Inc. The Department served the Statement of Charges, cover letter dated July 28, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Curtis Dean Orvik and Community Home Lending, Inc. on Respondents on July 28, 2009 by First-Class mail and Federal Express overnight delivery. On July 29, 2009, the documents sent via Federal

1 Express overnight delivery were delivered. The documents sent via First-Class mail were not returned
2 to the Department by the United States Postal Service.

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

6 B. Record Presented. The record presented to the Director's designee for her review and
7 for entry of a final decision included the following: Statement of Charges, cover letter dated July 28,
8 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
9 Adjudicative Hearing for Curtis Dean Orvik and Community Home Lending, Inc., with documentation of
10 service.

11 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
12 Director's designee hereby adopts the Statement of Charges, which is attached hereto.
13

14 II. FINAL ORDER

15 Based upon the foregoing, and the Director's designee having considered the record and
16 being otherwise fully advised, NOW, THEREFORE:
17

18 A. IT IS HEREBY ORDERED, That:

- 19 1. Respondents Community Home Lending, Inc. and Curtis Dean Orvik cease and desist
20 from conducting the business of a mortgage broker;
- 21 2. Respondent Community Home Lending, Inc.'s license to conduct the business of a
22 Mortgage Broker is suspended; and
- 23 3. Respondents Community Home Lending, Inc. and Curtis Dean Orvik jointly and
24 severally pay a fine of \$2,775;
- 25 4. Respondents Community Home Lending, Inc. and Curtis Dean Orvik jointly and
severally pay an investigation fee of \$484.80.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
2 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
3 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
4 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
5 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
6 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
7 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

21
22 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
23 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
24 attached hereto.

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2 DATED this 3rd day of September, 2009.

3 STATE OF WASHINGTON
4 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**

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

COMMUNITY HOME LENDING, INC., and
CURTIS DEAN ORVIK, President, Owner and
Designated Broker,

Respondents.

NO. C-09-030-09-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO CEASE AND DESIST, SUSPEND
LICENSE, 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 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. **Community Home Lending, Inc. (Community Home Lending)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on August 10, 2001, and continues to be licensed to date. Respondent Community Home Lending is licensed to conduct the business of a mortgage broker at the following location:

7407 N. Division St. Ste. E
Spokane, WA 99208

¹ RCW 19.146 (2006)

B. **Curtis Dean Orvik (Orvik)** is President, Owner, and Designated Broker of Respondent Community Home Lending. Respondent Orvik was named Designated Broker of Respondent Community Home Lending on August 10, 2001, and continues as Designated Broker to date.

1.2 Untimely Renewal of Mortgage Broker License. In order to continue conducting business in 2008, the Respondents were required to renew their mortgage broker license before January 1, 2008. The Respondents did not renew their mortgage broker license timely and as a result could not conduct the business of a mortgage broker until their license was renewed on February 7, 2008.

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

1.4 Failure to Maintain Bond. On May 12, 2009, the Department received notice from International Fidelity Insurance Company that Respondent Community Home Lending's surety bond would be cancelled, effective June 10, 2009. To date, Respondents have failed to provide the required surety bond.

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

II. GROUNDS FOR ENTRY OF ORDER

2.1 Definition of Mortgage Broker. Pursuant to RCW 19.146.010(12) and WAC 208-660-010(29), “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of compensation or gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person in obtaining or applying to obtain a residential mortgage loan.

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

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 **2.5 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I
9 above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-175(1) for failing to
10 file and maintain a surety bond with the Department.

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the Director may
13 issue orders directing a licensee, its employee or loan originator, or other person subject to the Act to cease and
14 desist from conducting business.

15 **3.2 Authority to Suspend License.** Pursuant to RCW 19.146.220(2)(c) the Director may suspend a license
16 failure to pay a fee required by the Director or maintain the required bond, or any violation of the Act.

17 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2) and (3) and WAC 208-660-530(6), the
18 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to
19 the Act for any violations of RCW 19.146.200, or any violation of the Act.

20 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520(9) and
21 WAC 208-660-550(4) upon completion of any investigation of the books and records of a licensee or other person
22 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover
23 the cost of the investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per
24 hour that each staff person 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 Cease and Desist, Suspend License, 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 28th day of July, 2009.

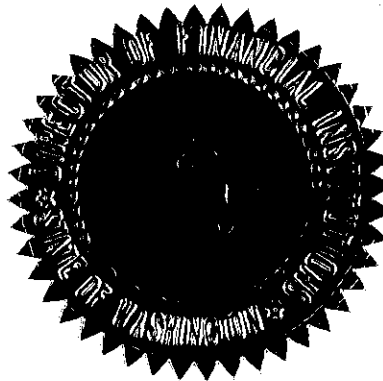


DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



ROBERT E. JONES
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief