

Terms Completed

ORDER SUMMARY – Case Number: C-09-059

Name(s): Cari Biggerstaff

Order Number: C-09-059-09-CO01

Effective Date: August 5, 2009

License Number: n/a

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect: Prohibition through April 22, 2010

Not Apply Until: April 22, 2010

Not Eligible Until: _____

Prohibition/Ban Until: April 22, 2010

Investigation Costs	\$192	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$500	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-09-059-09-CO01

CARI BIGGERSTAFF, Unlicensed Loan
Originator,

CONSENT ORDER

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Cari Biggerstaff, (hereinafter Respondent Biggerstaff), and finding that the issues raised in the above-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 Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-059-09-SC01 (Statement of Charges), entered April 21, 2009, (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, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges.

Based upon the foregoing:

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

CONSENT ORDER
C-09-059-09-CO01
CARI BIGGERSTAFF

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and that she hereby waives her right to a hearing and any and all
3 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
4 Accordingly, Respondent agrees to withdraw her appeal and to inform the Office of Administrative Hearings in
5 writing of her withdrawal. Accordingly, by signing below, the Respondent withdraws her appeal in the above-
6 captioned matter.

7 **C. Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$500, in the form of a
8 cashier's check or money order made payable to the "Washington State Treasurer," upon entry of this Consent
9 Order.

10 **D. Prohibition from Industry.** It is AGREED that Respondent is prohibited from participating in the
11 conduct of the affairs of any mortgage broker licensed by the Department or any person subject to licensure or
12 regulation by the Department or any mortgage broker exempt from Washington law under RCW 19.146.020(1)(e)
13 or (g) until April 22, 2010, in any capacity, including but not limited to: (1) any financial capacity whether active
14 or passive or (2) as an officer, director, principal, designated broker, employee, or loan originator or (3) any
15 management, control, oversight or maintenance of any trust account(s) in any way related to any residential
16 mortgage transaction or (4) receiving, disbursing, managing or controlling in any way, consumer trust funds in any
17 way related to any residential mortgage transaction.

18 **E. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee
19 of \$192, in the form of a cashier's check or money order made payable to the "Washington State Treasurer," upon
20 entry of this Consent Order. The fine (from Paragraph C) and investigation fee may be paid using one cashier's
21 check or money order.

22 **F. No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of
23 Charges and agree that Respondent does not admit to any wrongdoing by its entry.
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1 G. **Cooperation with Department.** It is AGREED that Respondent shall cooperate and freely,
2 voluntarily and truthfully provide information or testimony, if called upon, regarding her relationship with, and the
3 business practices of, Envision Lending Group.

4 H. **Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
5 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
6 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
7 pursuing such action, including but not limited to, attorney fees.

8 I. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
9 this Consent Order, which is effective when signed by the Director's designee.

10 J. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent
11 Order in its entirety and fully understands and agrees to all of the same.

12 **RESPONDENT:**

13 **Cari Biggerstaff**

14 By: *Cari Biggerstaff*

15 Cari Biggerstaff
Individual

7/24/09
Date

16 DO NOT WRITE BELOW THIS LINE

17 THIS ORDER ENTERED THIS 5th DAY OF August 2009.

Deborah Bortner

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

20 Presented by:

William Halstead
21 WILLIAM HALSTEAD
22 Financial Legal Examiner

23 Approved by:

James R. Brusselback
24 JAMES R. BRUSSELBACK
25 Enforcement Chief



CONSENT ORDER
C-09-059-09-CO01
CARI BIGGERSTAFF

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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:

CARI BIGGERSTAFF, Unlicensed Loan Originator,

Respondent.

NO. C-09-059-09-SC01

STATEMENT OF CHARGES and NOTICE OF
INTENTION TO ENTER AN ORDER TO
PROHIBIT FROM INDUSTRY, IMPOSE FINE,
COLLECT INVESTIGATION FEE, AND ORDER
RESTITUTION

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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 19.146.235 and .310, 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 Respondent Cari Biggerstaff (Respondent Biggerstaff) worked for Envision Lending Group Inc.² as a loan originator at all times relevant to this Statement of Charges. Respondent Biggerstaff has never applied for her loan originator license with the Department.

1.2 Loan Originator License. In order to conduct business as a loan originator in 2008, Respondent Biggerstaff was required to obtain and maintain her loan originator license before January 1, 2008. Respondent Biggerstaff did not obtain a loan originator license and as a result could not conduct the business of a loan originator.

1.3 Unlicensed Loan Originator Activity. Respondent Biggerstaff conducted the business of a loan originator from 10813 S. River Front Parkway, Suite 300, Midway, UT 84095 between May 1, 2008, and June

¹ RCW 19.146 (2006).

² The Department has issued a Statement of Charges (C-08-385-09-SC01) against Envision Lending Group, Inc. that includes an allegation of allowing Respondent Biggerstaff to originate loans while not licensed.

1 27, 2008. Respondent Biggerstaff originated a loan¹ for borrowers whose property was located in Spokane,
2 Washington.

3 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
4 Respondent continues to date.

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

6 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010 (12) and WAC 208-660-006,
7 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
8 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
9 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
10 person in obtaining or applying to obtain a residential mortgage loan.

11 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010 (10), "Loan Originator" means a natural
12 person who (a) takes a residential mortgage loan application for a mortgage broker, or (b) offers or negotiates
13 terms of a mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect
14 compensation or gain.

15 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010 (3) and WAC 208-660-006, a "Borrower" is
16 defined as any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or
17 seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or
18 persons including himself or herself, regardless of whether the person actually obtains such a loan.

19 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent Biggerstaff
20 is in apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme,
21 device or artifice to defraud or mislead borrowers or lenders or any person, for engaging in an unfair or
22 deceptive practice toward any person, and for obtaining property by fraud or misrepresentation.

23 **2.5 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
24 I above, Respondent Biggerstaff is in apparent violation of RCW 19.146.200 for engaging in the business of a
25 loan originator without first obtaining and maintaining a license under the Act.

¹ Envision loan number 27165 for borrower D.S.

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
3 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
4 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
5 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) and
6 RCW 19.146.200..

7 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), and (3)(a), the Director may impose
8 fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any
9 violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW
10 19.146.200, RCW 19.146.205(4), or RCW 19.146.265, or any violation of the Act.

11 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228 (2), WAC 208-660-520, and
12 WAC 208-660-550(5), upon completion of any investigation of the books and records of a licensee or other person
13 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover
14 the cost of the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff
15 person devoted to the investigation.

16 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220 (2)(e), the Director may issue orders
17 directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution to for any
18 violation of the Act.

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

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

24 **4.1** Respondent Cari Biggerstaff be prohibited from participation in the conduct of the affairs of any
mortgage broker subject to licensure by the Director, in any manner, for a period of one year;

25 **4.2** Respondent Cari Biggerstaff pay a fine of \$1,400;

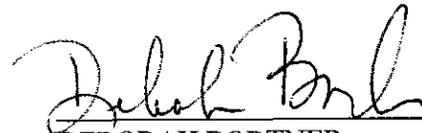
1 4.3 Respondent Cari Biggerstaff pay an investigation fee, which as of the date of these charges is \$192
2 calculated at \$48 per hour for 4 staff hours devoted to the investigation; and

3 4.4 Respondent Cari Biggerstaff pay restitution in an amount to be determined at hearing.

4 **V. AUTHORITY AND PROCEDURE**

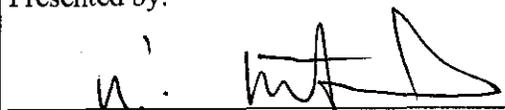
5 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose
6 Fine, Collect Investigation Fee and Order Restitution (Statement of Charges) is entered pursuant to the
7 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to
8 the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent may make a written
9 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
10 FOR HEARING accompanying this Statement of Charges.

11 Dated this 21st day of April, 2009.



DEBORAH BORTNER
Director Division of Consumer Services
Department of Financial Institutions

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15 Presented by:

16 
17 WILLIAM HALSTEAD
18 Financial Legal Examiner

19 Approved by:

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21 
22 JAMES R. BRUSSELBACK
23 Enforcement Chief

