



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:

ERIC J. JENKINS,
Loan Originator,

Respondent.

NO. C-09-146-09-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.440(2). On July 30, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to 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 August 5, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Eric J. Jenkins. The Department served the Statement of Charges, cover letter dated August 5, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Eric J. Jenkins on Respondent on August 5, 2009, by First-Class mail and Federal Express overnight delivery.

1 On August 17, 2009, Respondent filed an Application for Adjudicative Hearing. On
2 November 2, 2009, the Department made a request to the Office of Administrative Hearings (OAH) to
3 assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of
4 Charges. On November 17, 2009, ALJ Mary Ellen Goodwin issued a Notice of Prehearing
5 Conference by Telephone scheduling a prehearing conference on Thursday, December 3, 2009, at 9:00
6 a.m. That Notice contained the following instruction to the parties: "All parties will appear by
7 telephone by calling: Locally: (360)753-7328 or Long Distance (Toll Free) 1-800-843-7712. Parties
8 must call 10 minutes prior to the start of the conference." That Notice also noted, "If you fail to appear
9 or participate in the prehearing conference, hearing, or any other scheduled stage of these proceedings,
10 you may lose your right to a hearing as described in RCW 34.05.440."

12 On December 3, 2009, the prehearing conference was convened by ALJ Goodwin at 9:00 a.m.
13 Respondent failed to appear or otherwise contact OAH. The Department moved for an order of
14 default based on Respondent's failure to appear. On December 3, 2009, ALJ Goodwin issued an
15 Order of Dismissal Due to Appellant's Failure to Appear (Order of Dismissal) finding Respondent in
16 default and dismissing Respondent's appeal. On December 3, 2009, OAH sent the Order of Dismissal
17 to the address in Respondent's Application for Adjudicative Hearing.

18 Pursuant to RCW 34.05.440(3), Respondent had seven days from the date of service of the
19 Order of Dismissal to file a written motion with OAH requesting that the Order of Dismissal be
20 vacated, and stating the grounds relied upon. Respondent did not make a request to vacate during the
21 statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had 20 days from the
22 date of service of the Order of Dismissal to file a Petition for Review of the Order of Dismissal with
23 the Director. Respondent did not file a Petition for Review during the statutory period.
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1 B. Record Presented. The record presented to the Director for his review and for entry of
2 a final decision included the following:

- 3 1. Statement of Charges, cover letter dated August 5, 2009, and Notice of Opportunity to
4 Defend and Opportunity for Hearing, with documentation of service;
- 5 2. Application for Adjudicative Hearing for Eric J. Jenkins;
- 6 3. Request to OAH for Assignment of Administrative Law Judge;
- 7 4. Notice of Prehearing Conference by Telephone dated November 17, 2009, with
8 documentation of service;
- 9 5. Order of Dismissal Due to Appellant's Failure to Appear dated December 3, 2009,
10 with documentation of service;

11 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the
12 Director hereby adopts the Statement of Charges, which is attached hereto.

13 II. FINAL ORDER

14 Based upon the foregoing, and the Director having considered the record and being
15 otherwise fully advised, NOW, THEREFORE:

16 A. IT IS HEREBY ORDERED, that:

- 17 1. Respondent Eric J. Jenkins' license to conduct the business of a Loan Originator is
18 suspended for a period of one year from the date of this Final Order;
- 19 2. Respondent Eric J. Jenkins shall pay a fine in the amount of \$5,000; and
- 20 3. Respondent Eric J. Jenkins shall pay an investigation fee in the amount of \$336.

21 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
22 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
23 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
24 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
25 Washington 98504-1200, within ten days of service of the Final Order upon Respondent. The Petition

1 for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a
2 prerequisite for seeking judicial review in this matter.

3 A timely Petition for Reconsideration is deemed denied if, within 20 days from the date the
4 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 has determined not to consider a Petition to Stay the
7 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
8 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. Non-compliance with Order. If you do not comply with the terms of this order within 30
13 days of service, the Department may seek its enforcement by the Office of Attorney General to include
14 the collection of the fines, fees and restitution imposed herein.

15 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
16 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
17 attached hereto.
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19 DATED this 1st day of February, 2010.



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21 STATE OF WASHINGTON
22 DEPARTMENT OF FINANCIAL INSTITUTIONS

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24 SCOTT JARVIS
25 DIRECTOR

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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:

ERIC J. JENKINS,
Loan Originator,

Respondent.

NO. C-09-146-09-SC01

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

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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 RCW 19.146.310, and based upon the facts available as of the date of these 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. Eric J. Jenkins (Respondent) was licensed by the Department on April 25, 2008, to conduct business as a Loan Originator, and has continued to be licensed to date. Respondent is licensed to conduct business as a Loan Originator for Paramount Equity Mortgage, Inc., at its main office in California.

1.2 Failure to Respond Timely and Completely to Directives. On or about July 1, 2008, the Department notified Respondent that the fingerprint cards Respondent had provided with his Loan

¹ RCW 19.146 (2006)

1 Originator application had been rejected as illegible and needed to be replaced with a legible set no
2 later than July 30, 2008. No replacement fingerprint cards were received by that date. On or about
3 August 7, 2008, Respondent called the Department and requested an extension to August 18, 2008, to
4 provide the fingerprint cards. The extension was granted, but Respondent did not provide the
5 fingerprint cards.

6 On or about October 8, 2008, the Department issued a Directive to Respondent requiring
7 Respondent to provide legible fingerprint cards no later than November 6, 2008. The fingerprint cards
8 were not received by that date. On or about April 3, 2009, the Department sent a Directive to the
9 residence address Respondent had provided with his license application requiring Respondent to
10 provide legible fingerprint cards no later than April 16, 2009. The fingerprint cards were not received
11 by that date. On or about May 22, 2009, the Department sent a Directive to Respondent at his place of
12 business requiring Respondent to provide legible fingerprint cards no later than June 1, 2009. The
13 fingerprint cards were not received by that date. On June 2, 2009, Respondent spoke with a member
14 of the Department's Enforcement Unit and said he would provide the fingerprint cards by the end of
15 the week (June 5th). The fingerprint cards were not received. On or about July 2, 2009, a member of
16 the Department's Enforcement Unit contacted Respondent to inquire about the fingerprint cards.
17 Respondent stated he had forgotten to obtain the fingerprint cards, but would have them taken by the
18 following Monday (July 6th) and would provide them by July 10th. The fingerprint cards were not
19 received by that date. On July 22, 2009, a representative for the Department contacted Respondent's
20 designated broker to obtain information related to Respondent's employment. The designated broker
21 indicated he would have Respondent provide legible fingerprint cards in about a week. The required
22 fingerprint cards were finally received by the Department on July 31, 2009.
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1 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the
2 Act by Respondent continues to date.

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

4 **2.1 Requirement to Timely and Completely Comply with Directives.** Based on the Factual
5 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.235 for
6 failing to timely and completely comply with Directives.

7 **2.2 Negligent False Statement.** Based on the Factual Allegations set forth in Section I above,
8 Respondent is in apparent violation of RCW 19.146.0201(8) for negligently making a false statement
9 in connection with an investigation by the Department.
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11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Suspend License.** Pursuant to RCW 19.146.220(2)(d) and (e), the Director may
13 revoke or suspend a license for failure to comply with a Directive or for any other violation of the Act.

14 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(d) and (e), the Director may impose
15 a fine for failing to comply with a Directive and for any other violation of the Act.

16 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
17 550, the Department may collect the costs of investigation. The investigation charge will be calculated at
18 the rate of \$48 per hour that each examiner devoted to the investigation.
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1 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

- 6 **4.1** Respondent Eric J. Jenkins' license to conduct the business of a Loan Originator mortgage
7 broker be suspended for a period of one year;
- 8 **4.2** Respondent Eric J. Jenkins pay a fine which as of the date of these charges totals \$5,000; and
- 9 **4.3** Respondent Eric J. Jenkins pay an investigation fee which as of the date of these charges totals
10 \$336, calculated at \$48 per hour for the seven examiner hours devoted to the investigation.

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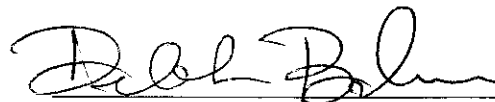
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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke or Suspend License, Prohibit from Industry, 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). 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 30th day of July, 2009.

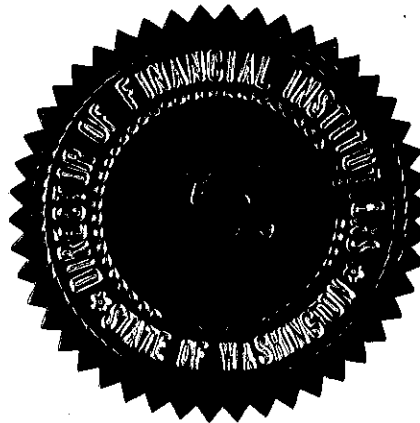


DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

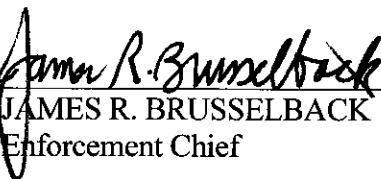
Presented by:



STEVEN C. SHERMAN
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
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IN THE MATTER OF DETERMINING:
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ERIC J. JENKINS,
Loan Originator,

Respondent.

C-09-146-09-SC01

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

ERIC J. JENKINS

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN 20 DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the hearing at least seven days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter appointed at no cost to you, as discussed below.

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

1 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
2 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
3 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
4 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
5 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request
6 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative
7 Hearing form.

8 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
9 Application for Adjudicative Hearing form within 20 days from the date you received this notice, this will
10 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the
11 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of
12 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the
13 attached Application for Adjudicative Hearing to:

14 Department of Financial Institutions
15 Division of Consumer Services
16 Attn: Fatima Batie
17 PO Box 41200
18 Olympia, Washington 98504-1200

19 Dated this 30th day of July, 2009.



20 *Deborah Bortner*

21 DEBORAH BORTNER
22 Director
23 Division of Consumer Services
24 Department of Financial Institutions