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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-09-300-10-CO02
CONSENT ORDER

21ST CENTURY FINANCIAL CORPORATION, INC.,

Respondent.

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INTRODUCTION

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and 21st Century Financial Corporation, Inc., (Respondent 21st Century), and finding that there is good cause for the Department and Respondent to resolve the Department's Final Order entered in the captioned matter, hereby agree to the entry of this Consent Order (Order) pursuant to RCW 19.146, the Mortgage Broker Practices Act (the Act), and RCW 34.05.060 of the Administrative Procedure Act.¹

AGREEMENT AND ORDER

On September 9, 2009, the Department of Financial Institutions, Division of Consumer Services (Department) entered Statement of Charges No. C-08-110-08-SC01 against Respondent 21st Century. January 4, 2010, the Department entered a default Final Order, No. C-09-300-10-FO01, against Respondent 21st Century.

Based upon the foregoing:

1. Final Order Vacated. The Department and Respondent have agreed that the Final Order, entered January 4, 2010, shall be vacated upon entry of this Consent Order.
2. Future Application for Mortgage Broker License. It is AGREED that Respondent shall not apply for a mortgage broker license in the State of Washington for five years from the date of this Consent Order.

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¹ A copy of the Final Order and initial Statement of Charges is attached hereto as Exhibits A and B, respectively.

1 3. Consideration. It is AGREED that in consideration of the Department vacating the Final Order,

2 Respondents:

3 A. Shall not apply for a mortgage broker license in the State of Washington for five years from the
4 date of this Consent Order;

5 B. Waive their right to any and all administrative and judicial review of this Consent Order;

6 C. Shall, upon entry of this Consent Order, pay to the Department a fine of \$1,500, in the form of a
7 cashier's check made payable to the "Washington State Treasurer;" and

8 D. Shall, upon entry of this Consent Order, pay to the Department its costs in bringing this action in
9 the amount of \$96, in the form of a cashier's check made payable to the "Washington State
10 Treasurer."

11 4. Voluntarily Entered. It is AGREED that the undersigned have voluntarily entered into this Agreed Order,
12 which is effective when signed by the Director.

13 5. Authority to Execute Consent Order. It is AGREED that the undersigned have represented and warranted
14 that they have the authority to execute this Consent Order on behalf of the Respondent.

15 6. Non-Compliance with Consent Order. It is AGREED that the undersigned understand that failure to
16 abide by the terms and conditions of this Consent Order may result in further legal action by the Department.
17 In the event of such legal action, Respondent may be responsible to reimburse the Department for the cost
18 incurred in pursuing such action, including but not limited to, attorney fees.

19 7. Completely Read, Understood, and Agreed. It is AGREED that the undersigned have read this Consent
20 Order in its entirety, and fully understand and agree to all of the same.

21 RESPONDENT

22 21st CENTURY FINANCIAL CORPORATION, INC.

23 By: _____

24 Jessie N. Tyre-Karp
25 President, CEO, and Designated Broker
21st Century Financial Corporation, Inc.

5/12/2010
Date

CONSENT ORDER
C-09-300-19-C002
21st Century Financial Corporation, Inc.

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By:

Anne E. Gaffin
Anne E. Gaffin
Secretary and Chief Financial Officer
21st Century Financial Corporation, Inc.

5/12/10
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 13th DAY OF May, 2010.

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

Presented by:

Anthony W. Carter
ANTHONY W. CARTER
Financial Legal Examiner

Approved by:

James R. Brusselback
JAMES R. BRUSSELBACK
Enforcement Chief





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-09-300-09-FO01

21ST CENTURY FINANCIAL CORPORATION,
INC,

FINAL ORDER

Respondent.

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), through his designee, Consumer Services Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On September 9, 2009, 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 September 9, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for 21st Century Financial Corporation, Inc. The Department served the Statement of Charges, cover letter dated September 9, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for 21st Century Financial Corporation, Inc on Respondent on September 9, 2009, by First-Class mail and Federal Express overnight delivery. On September 23, 2009, the documents sent via Federal Express overnight

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

3 Respondent 21st Century Financial Corporation, Inc did not request an adjudicative hearing
4 within twenty calendar days after the Department served it with the Notice of Opportunity to Defend
5 and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's designee for her review
7 and for entry of a final decision included the following: Statement of Charges, cover letter dated
8 September 9, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application
9 for Adjudicative Hearing for 21st Century Financial Corporation, Inc with documentation of service.

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

13 II. FINAL ORDER

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

16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondent 21st Century Financial Corporation, Inc pay a fine of \$1,500; and
18 2. Respondent 21st Century Financial Corporation, Inc pay an investigation fee of \$96.

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. Non-compliance with Order. If you do not comply with the terms of this order, the
13 Department may seek its enforcement by the Office of Attorney General to include the collection of the
14 fines and fees 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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20 DATED this 4th day of January, 2010.



21 STATE OF WASHINGTON
22 DEPARTMENT OF FINANCIAL INSTITUTIONS

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24 DEBORAH BORTNER
25 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:

21ST CENTURY FINANCIAL
CORPORATION, INC,

Respondent.

NO. C-09-300-09-SC01

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). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as 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 Respondent 21st Century Financial Corporation, Inc (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged.

1.2 Failure to Timely File Mortgage Broker Annual Report. By March 31, 2009, Respondent was required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. Respondent filed the 2008 mortgage broker annual report after April 30, 2009. Respondent also did not timely file the 2007 mortgage broker annual report.

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

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II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement to Timely File Mortgage Broker Annual Report. Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.290(1) and WAC 208-660-400(1), (2), (3), and (4) for failing to timely file the mortgage broker annual report.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Impose Fine. Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a licensee or other person subject to the Act for any violations 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(4), 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

Respondent's 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:

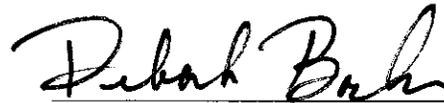
- 4.1** Respondent 21st Century Financial Corporation, Inc pay a fine of \$1,500; and
- 4.2** Respondent 21st Century Financial Corporation, Inc pay an investigation fee, which as of the date of these charges is \$96 calculated at \$48 per hour for two staff hours devoted to the investigation.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect
3 Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
4 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05
5 RCW (The Administrative Procedure Act). Respondent may make a written request for a Brief Adjudicative
6 Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF
7 ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

8 Dated this 9th day of September, 2009.

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11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

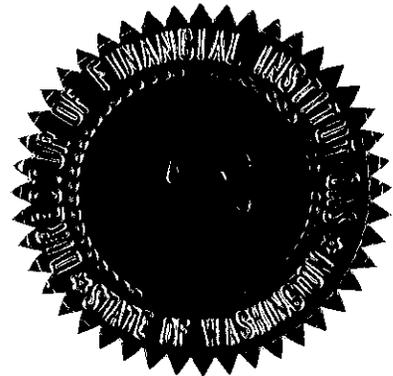
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17 FATIMA BATIE
18 Financial Legal Examiner Supervisor

19 Approved by:

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21 JAMES R. BRUSSELBACK
22 Enforcement Chief



1 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
2 Request for Brief Adjudicative Proceeding form within twenty (20) days from the date you received this notice, this
3 will constitute a waiver of your right to a Brief Adjudicative Proceeding and the Director will find that you do not
4 contest the allegations of the Statement of Charges. Upon such a finding by the Director a final order will be
5 immediately entered disposing of this matter as described in the Statement of Charges. If you desire a Brief
6 Adjudicative Proceeding in this matter, please return the attached Request for Brief Adjudicative Proceeding to:

7 Department of Financial Institutions
8 Division of Consumer Services
9 Attn: Fatima Batie
10 PO Box 41200
11 Olympia, Washington 98504-1200

12 Dated this 9th day of September 2009.

13 

14 DEBORAH BORTNER
15 Director
16 Division of Consumer Services
17 Department of Financial Institutions

