



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-09-332-09-FO01

OPTIC MORTGAGE LLC,

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 15, 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 15, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Optic Mortgage LLC. The Department served the Statement of Charges, cover letter dated September 15, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Optic Mortgage LLC on Respondent on September 15, 2009, by First-Class mail and Federal Express overnight delivery. On September 23, 2009, the documents sent via Federal Express overnight delivery and First-Class mail were returned to the Department as undeliverable.

1 The Department reserved the Statement of Charges, cover letter dated September 23, 2009,
2 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative
3 Hearing for Optic Mortgage LLC on Respondent on September 23, 2009, by First-Class mail and
4 Federal Express overnight delivery. On September 24, 2009, the documents sent via Federal Express
5 overnight delivery were delivered. The documents sent via First-Class mail were not returned to the
6 Department by the United States Postal Service.

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8 Respondent Optic Mortgage LLC did not request an adjudicative hearing within twenty
9 calendar days after the Department served it with the Notice of Opportunity to Defend and Opportunity
10 for Hearing, as provided for in WAC 208-08-050(2).

11 B. Record Presented. The record presented to the Director's designee for her review
12 and for entry of a final decision included the following: Statement of Charges, cover letter dated
13 September 23, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
14 Application for Adjudicative Hearing for Optic Mortgage LLC with documentation of service.

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

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18 II. FINAL ORDER

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

21 A. IT IS HEREBY ORDERED, That:

- 22 1. Respondent Optic Mortgage LLC pay a fine of \$3,000; and
23 2. Respondent Optic Mortgage LLC pay an investigation fee of \$96; and
24 3. Respondent Optic Mortgage LLC file the 2008 annual report of mortgage broker
25 activity.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has 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 Respondent. 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.

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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. Respondent has the right to petition the superior court for judicial
16 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing
17 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 and fees imposed herein.

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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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DATED this 4th day of January, 2010.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

A handwritten signature in cursive script, appearing to read "Deborah Bortner", written over a horizontal line.

DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES

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

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

5 **III. AUTHORITY TO IMPOSE SANCTIONS**

6 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
7 licensee or other person subject to the Act for any violations of the Act.

8 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
9 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
10 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
11 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
12 devoted to the investigation.

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

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

18 **4.1** Respondent Optic Mortgage LLC pay a fine of \$3,000; and

19 **4.2** Respondent Optic Mortgage LLC pay an investigation fee, which as of the date of these charges is
20 \$96 calculated at \$48 per hour for two staff hours devoted to the investigation; and

21 **4.3** Respondent Optic Mortgage LLC file the 2008 annual report of mortgage broker activity.

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STATEMENT OF CHARGES
Optic Mortgage LLC
C-09-332-09-SC01

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

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 15th 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



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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:

OPTIC MORTGAGE LLC,
Respondent.

No. C-09-332-09-SC01

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR BRIEF
ADJUDICATIVE PROCEEDING

THE STATE OF WASHINGTON TO:

Optic Mortgage LLC

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been issued 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 a Request for Brief Adjudicative Proceeding 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 REQUEST MUST BE RECEIVED BY THE
DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU
RECEIVED THIS NOTICE. If you request a Brief Adjudicative Proceeding, you will be notified of the schedule
and oral argument, if any, at least seven (7) days in advance.

The Brief Adjudicative Proceeding will be as informal as is practical within the requirements of the
Administrative Procedure Act (see chapter 34.05 RCW). 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.

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

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
 PO Box 41200
 Olympia, Washington 98504-1200

10 Dated this 15th day of September 2009.

11
12 *Deborah Bortner*

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

