

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

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

NO. C-09-411-10-CO01

7 DEBORAH TAYLOR, Unlicensed Loan  
8 Originator,

CONSENT ORDER

9 Respondent.

10 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee  
11 Deborah Bortner, Division Director, Division of Consumer Services, and Deborah Taylor, (hereinafter  
12 Respondent Taylor), and finding that the issues raised in the above-captioned matter may be economically and  
13 efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter  
14 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based  
15 on the following:

16 **AGREEMENT AND ORDER**

17 The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent  
18 have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-411-09-SC01  
19 (Statement of Charges), entered December 9, 2009, (copy attached hereto). Pursuant to chapter 19.146 RCW, the  
20 Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent  
21 hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the  
22 above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties  
23 intend this Consent Order to fully resolve the Statement of Charges.

24 Based upon the foregoing:

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

CONSENT ORDER  
C-09-411-10-CO01  
DEBORAH TAYLOR

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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, by signing below, the Respondent withdraws her appeal in the above-captioned matter.

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

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

16           **E. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
17 of \$240, in the form of a cashier's check or money order made payable to the "Washington State Treasurer," upon  
18 entry of this Consent Order. The fine (from Paragraph C) and investigation fee may be paid using one cashier's  
19 check or money order.

20           **F. No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of  
21 Charges and agree that Respondent does not admit to any wrongdoing by its entry.

22           **G. Cooperation with Department.** It is AGREED that Respondent shall cooperate and freely,  
23 voluntarily and truthfully provide information or testimony, if called upon, regarding her relationship with, and the  
24 business practices of Killion Enterprises Inc. d/b/a Spartan Mortgage.

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

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

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

9 **RESPONDENT:**

10 **Deborah Taylor**

11 By:

12 

13 Deborah Taylor  
Individually

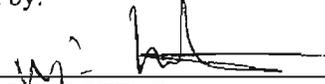
8/31/10  
Date

14 DO NOT WRITE BELOW THIS LINE

15 THIS ORDER ENTERED THIS 8<sup>th</sup> DAY OF September, 2010.

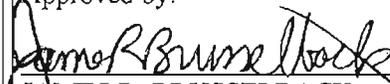
16   
17 DEBORAH BORTNER  
18 Director, Division of Consumer Services  
19 Department of Financial Institutions

18 Presented by:

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20 WILLIAM HALSTEAD  
Financial Legal Examiner

21 Approved by:

22 

23 JAMES R. BRUSSELBACK  
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:  
  
DEBORAH TAYLOR, Unlicensed Loan Originator,  
  
Respondent.

NO. C-09-411-09-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)<sup>1</sup>. 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:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent Deborah Taylor (Respondent Taylor)** worked for Killion Enterprises Inc. d/b/a Spartan Mortgage<sup>2</sup> as a loan originator at all times relevant to this Statement of Charges. Respondent Taylor has never been licensed by the Department to conduct the business of a loan originator.

**1.2 Loan Originator License.** In order to conduct business as a loan originator in 2007, Respondent Taylor was required to obtain and maintain a loan originator license before originating any residential mortgage loans. Respondent Taylor 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 Taylor conducted the business of a loan originator from 12178 SW Garden Place, Building 3, Park 217, Tigard, Oregon 97223, between, on or about, June 18,

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<sup>1</sup> RCW 19.146 (2006).

<sup>2</sup> The Department has issued a Statement of Charges (C-09-013-09-SC01) against Killion Enterprises Inc. d/b/a Spartan Mortgage that includes an allegation of allowing Respondent Taylor to originate loans while not licensed.

1 2007, and October 31, 2007. Respondent Taylor originated at least 3 loans<sup>1</sup> for borrowers whose property was  
2 located in the state of 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 Taylor is  
20 in apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device  
21 or artifice to defraud or mislead borrowers or lenders or any person, for engaging in an unfair or deceptive  
22 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 Taylor is in apparent violation of RCW 19.146.200 for engaging in the business of a loan  
25 originator without first obtaining and maintaining a license under the Act.

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<sup>1</sup> Killion loan numbers 12475695, 10762, and 12397527.

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 WAC  
12 208-660-550(5), upon completion of any investigation of the books and records of a licensee or other person subject  
13 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of  
14 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person  
15 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 Deborah Taylor be prohibited from participation in the conduct of the affairs of any  
25 mortgage broker subject to licensure by the Director, in any manner, for a period of 5 years;

**4.2** Respondent Deborah Taylor pay a fine of \$3,000;

- 1 **4.3** Respondent Deborah Taylor pay an investigation fee, which as of the date of these charges is \$240  
2 calculated at \$48 per hour for 5 staff hours devoted to the investigation; and
- 3 **4.4** Respondent Deborah Taylor pay restitution in the amount received as compensation for the loans she  
4 originated while unlicensed.

**V. AUTHORITY AND PROCEDURE**

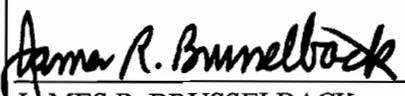
5 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose  
6 Fine, Collect Investigation Fee and Order Restitution (Statement of Charges) is entered pursuant to the  
7 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and 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 9<sup>th</sup> day of December, 2009.

  
DEBORAH BORTNER  
Director Division of Consumer Services  
Department of Financial Institutions



15 Presented by:  
16   
17 WILLIAM HALSTEAD  
18 Financial Legal Examiner

19 Approved by:  
20   
21 JAMES R. BRUSSELBACK  
22 Enforcement Chief

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