



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-09-423-09-FO01

FLEET HOME MORTGAGE d/b/a FLEET HOME
LOANS, and MICHAEL NORMAN BURNS,
President, Owner and Designated Broker,

FINAL ORDER

Respondents.

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 November 24, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, and Collect Investigation Fees (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 November 30, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman Burns. The Department served the Statement of Charges, cover letter, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing on Respondents on November 30, 2009 by First-Class mail and Federal Express overnight delivery. On December 1, 2009, the documents sent via Federal Express overnight delivery

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

3 Respondents did not request an adjudicative hearing within twenty calendar days after the
4 Department served them with the Notice of Opportunity to Defend and Opportunity for Hearing, as
5 provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's designee for her review and
7 for entry of a final decision included the following: Statement of Charges, cover letter dated November
8 30, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
9 Adjudicative Hearing for Respondents, 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 II. FINAL ORDER

13 Based upon the foregoing, and the Director's designee having considered the record and
14 being otherwise fully advised, NOW, THEREFORE:
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16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondent Fleet Home Mortgage d/b/a Fleet Home Loans' license to conduct the
18 business of a mortgage broker is revoked; and
- 19 2. Respondent Michael Norman Burns' license to conduct the business of a designated
20 broker and loan originator are revoked; and
- 21 3. Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman
22 Burns jointly and severally pay a fine of \$4,000; and
- 23 4. Respondents Fleet Home Mortgage d/b/a Fleet Home Loans jointly and severally pay
24 an investigation fee of \$240; and
- 25 5. Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman
Burns maintain records in compliance with the Act and provide the Department with
the location of the books, records and other information relating to Respondent Fleet

1 Home Mortgage's mortgage broker business, and the name, address and telephone
2 number of the individual responsible for maintenance of such records in compliance
with the Act.

3 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
4 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
5 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
6 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
7 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
8 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
9 Reconsideration a prerequisite for seeking judicial review in this matter.
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11 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
12 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
13 notice specifying the date by which it will act on a petition.

14 C. Stay of Order. The Director's designee has determined not to consider a Petition
15 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
16 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

17 D. Judicial Review. Respondents have the right to petition the superior court for
18 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements
19 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.
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21 E. Non-compliance with Order. If you do not comply with the terms of this order, the
22 Department may seek its enforcement by the Office of Attorney General to include the collection of the
23 fines and fees imposed herein.
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1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
2 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
3 attached hereto.

4 DATED this 4th day of January, 2010.



6 STATE OF WASHINGTON
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

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9 DEBORAH BORTNER
10 DIRECTOR
11 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:

NO. C-09-423-09-SC01

FLEET HOME MORTGAGE d/b/a FLEET
HOME LOANS, and MICHAEL
NORMAN BURNS, President, Owner and
Designated Broker,

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

Respondents.

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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 based upon the facts available as of 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:

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I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Fleet Home Mortgage d/b/a Fleet Home Loans (Respondent Fleet) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on July 13, 2004, and continues to be licensed to date. Respondent Fleet is licensed to conduct the business of a mortgage broker at one location in 1721 33rd Ave, Seattle, Washington.

B. Michael Norman Burns (Respondent Burns) is the Designated Broker, President, and Owner of Respondent Fleet.

¹ RCW 19.146 (2008)

1 **1.2 Failure to Maintain Bond.** On February 10, 2009, the Department received notice from Hartford Fire
2 Insurance Company that Respondent Fleet's surety bond would be cancelled, effective March 15, 2009. To
3 date, Respondents have failed to provide the Department with proof of the required surety bond or an approved
4 alternative.

5 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
6 Respondents continues to date.

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

8 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I
9 above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-175(1) for failing to
10 file and maintain a surety bond with the Department.

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the Director may
13 issue orders directing a licensee, its employee or loan originator, or other person subject to the Act to cease and
14 desist from conducting business.

15 **3.2 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(c) the Director may revoke a license
16 failure to pay a fee required by the Director or maintain the required bond, or any violation of the Act.

17 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2) and (3) and WAC 208-660-530(6), the
18 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to
19 the Act for any violations of RCW 19.146.200, or any violation of the Act.

20 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520(9) and
21 WAC 208-660-550(4) upon completion of any investigation of the books and records of a licensee or other person
22 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover
23 the cost of the investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per
24 hour that each staff person devoted to the investigation.

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IV. NOTICE OF INTENTION TO ENTER ORDER

Respondents' 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 Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman Burns cease and desist from conducting the business of a mortgage broker;
- 4.2 Respondent Fleet Home Mortgage d/b/a Fleet Home Loans license to conduct the business of a mortgage broker be revoked;
- 4.3 Respondent Michael Norman Burns's license to conduct the business of a designated broker and loan originator be revoked;
- 4.4 Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman Burns jointly and severally pay a fine, which as of the date of this Statement of Charges totals \$4,000;
- 4.5 Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman Burns jointly and severally pay an investigation fee which as of the date of this Statement of Charges totals \$240 calculated at \$48 per hour for the five (5) staff hours devoted to the investigation; and
- 4.6 Respondents Fleet Home Mortgage d/b/a Fleet Home Loans and Michael Norman Burns maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent Fleet Home Mortgage's mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

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1 **V. AUTHORITY AND PROCEDURE**

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

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9 Dated this 24th day of November, 2009.


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

16 Presented by:

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19 MARNE SHEERAN
20 Financial Legal Examiner



21 Approved by:

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24 JAMES R. BRUSSELBACK
25 Enforcement Chief