

## Terms Completed

### ORDER SUMMARY – Case Number: C-09-424

**Name(s):** Andtego Financial Group LLC  
Cletus Daniel Coffey

**Order Number:** C-09-424-09-CO01

**Effective Date:** January 11, 2010

**License Number:** DFI: 29074 [NMLS: 87468] -Andtego  
**Or NMLS Identifier [U/L]** DFI: 29075 [NMLS: 89913] -Coffey

(Revoked, suspended, stayed, application denied or withdrawn)  
 If applicable, you must specifically note the ending dates of terms.

**License Effect:** Surrendered

**Not Apply Until:** for 2 years from date of entry of Consent Order

**Not Eligible Until:** \_\_\_\_\_

**Prohibition/Ban Until:** \_\_\_\_\_

<b>Investigation Costs</b>	\$240	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$500	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** \_\_\_\_\_  
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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

**RECEIVED**  
DEC 3 1 2009  
ENFORCEMENT UNIT  
DIVISION OF CONSUMER SERVICES  
DEPT OF FINANCIAL INSTITUTIONS

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

**ANDTEGO FINANCIAL GROUP LLC and**  
**CLETUS DANIEL COFFEY, President, Owner,**  
and Designated Broker,

**Respondents**

**NO. C-09-424-09-CO01**

**CONSENT ORDER**

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Andtego Financial Group LLC (hereinafter Respondent Andtego Financial Group), and Cletus Daniel Coffey, President, Owner and Designated Broker (hereinafter Respondent Coffey), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-424-09-SC01 (Statement of Charges), entered November 6, 2009, (copy attached hereto), and the matters alleged in Temporary Order to Cease and Desist No. C-09-424-09-TD01, also entered on November 6, 2009 (copy attached hereto). Pursuant to chapter 19.146 RCW Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this

1 Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges and Temporary  
2 Order to Cease and Desist.

3 Based upon the foregoing:

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

6 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing  
7 before an administrative law judge, and that they hereby waive their right to a hearing and any and all  
8 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

9 C. **Declaration of Activity.** It is AGREED that Respondents have provided the Department a  
10 Declaration of Activity, wherein Respondents affirmatively stated that they have not engaged in the business of a  
11 mortgage broker since their surety bond cancelled and that Respondent Andtego Financial Group LLC is no longer  
12 engaging the business of a mortgage broker or loan originator. A copy of this Declaration of Activity is attached  
13 and incorporated into this Consent Order by this reference.

14 D. **License Surrender.** It is AGREED that Respondents did complete the appropriate paper work to  
15 surrender Respondent Andtego Financial Group LLC's license.

16 E. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$500, in the form of a  
17 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

18 F. **Application for Licensure.** It is AGREED that Respondent Andtego Financial Group LLC shall not  
19 apply or reapply to the Department for licensure as a mortgage broker in the State of Washington for two (2) years  
20 from the date of entry of this Consent Order. It is further AGREED that, should Respondent Andtego Financial  
21 Group LLC apply to the Department for any license under any name at any time later than two years from the date  
22 of entry of this Consent Order, Respondent Andtego Financial Group LLC shall be required to meet any and all  
23 application requirements in effect at that time.

1 G. **Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee  
2 of \$240, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
3 Consent Order.

4 H. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and  
5 warranted that they have the full power and right to execute this Consent Order on behalf of the parties  
6 represented.

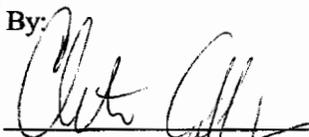
7 I. **Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide  
8 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the  
9 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in  
10 pursuing such action, including but not limited to, attorney fees.

11 J. **Voluntarily Entered.** It is AGREED that the undersigned Respondents voluntarily entered into this  
12 Consent Order, which is effective when signed by the Director's designee.

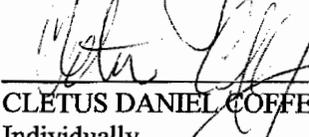
13 K. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this  
14 Consent Order in its entirety and fully understand and agree to all of the same.

15 **RESPONDENTS:**

16 **ANDTEGO FINANCIAL GROUP LLC and CLETUS DANIEL COFFEY**

17 By:   
18 \_\_\_\_\_  
19 CLETUS DANIEL COFFEY  
20 President, Owner, and Designated Broker

12/30/09  
Date

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22 \_\_\_\_\_  
23 CLETUS DANIEL COFFEY  
24 Individually

12/30/09  
Date

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THIS ORDER ENTERED THIS 11<sup>th</sup> DAY OF January, 2009. <sup>25</sup>



*Deborah Bortner*

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

*Marnie Sheeran*

MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

*James R. Brusselback*

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:

ANDTEGO FINANCIAL GROUP LLC and  
CLETUS DANIEL COFFEY, President,  
Owner, and Designated Broker,

Respondents.

NO. C-09-424-09-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO CEASE AND DESIST, REVOKE  
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)<sup>1</sup>. 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. Andtego Financial Group LLC (Respondent Andtego) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on November 25, 2005, and continues to be licensed to date. Respondent Andtego is licensed to conduct the business of a mortgage broker at the following location: 190 Queen Anne Ave North, Suite 270, Seattle, Washington.

B. Cletus Daniel Coffey (Respondent Coffey) is President, Owner, and Designated Broker of Respondent Andtego. Respondent Coffey was named Designated Broker of Respondent Andtego on November 25, 2005, and continues as Designated Broker to date.

<sup>1</sup> RCW 19.146 (2007)

1 **1.2 Failure to Maintain Bond.** On September 25, 2009, the Department received notice from Travelors  
2 Casualty and Surety Company that Respondent Andtego's surety bond would be cancelled, effective October  
3 26, 2009. To date, Respondents have failed to provide the Department 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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1 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

- 6 **4.1** Respondents Andtego Financial Group LLC and Cletus Daniel Coffey cease and desist from conducting  
7 the business of a mortgage broker;
- 8 **4.2** Respondent Andtego Financial Group LLC's license to conduct the business of a mortgage broker be  
9 revoked;
- 10 **4.3** Respondent Cletus Daniel Coffey's license to conduct the business of a designated broker and loan  
11 originator be revoked;
- 12 **4.4** Respondents Andtego Financial Group LLC and Cletus Daniel Coffey jointly and severally pay a fine,  
13 which as of the date of this Statement of Charges totals \$3,000; and
- 14 **4.5** Respondents Andtego Financial Group LLC and Cletus Daniel Coffey jointly and severally pay an  
15 investigation fee which as of the date of this Statement of Charges totals \$240 calculated at \$48 per hour  
16 for five (5) staff hours devoted to the investigation.
- 17 **4.6** Respondents Andtego Financial Group LLC and Cletus Daniel Coffey maintain records in compliance  
18 with the Act and provide the Department with the location of the books, records and other information  
19 relating to Respondents mortgage broker business, and the name, address and telephone number of the  
20 individual responsible for maintenance of such records in compliance with the Act.  
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**V. AUTHORITY AND PROCEDURE**

This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Revoke License, 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). Respondents 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 4<sup>th</sup> day of November, 2009.



DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

  
JAMES R. BRUSSELBACK  
Enforcement Chief



1 26, 2009. To date, Respondents have failed to provide the Department the required surety bond or an approved  
2 alternative.

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

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

## 7 **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

8 **3.1 Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 19.146.227, the  
9 Director is authorized to issue a temporary order to cease and desist whenever the Director determines that the  
10 public is likely to be substantially injured by delay in issuing a cease and desist order. Based on the Factual  
11 Findings and Grounds for Entry of Order set forth above, Respondents did not maintain the required surety  
12 bond or submit the required Mortgage Brokers Annual Report, and the public is likely to be substantially  
13 injured by the lack of said surety bond coverage.

## 14 **IV. ORDER**

15 Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue Temporary  
16 Order to Cease and Desist, and pursuant to RCW 19.146.227, the Director determines that the public is likely to  
17 be substantially harmed by a delay in entering a cease and desist order. Therefore, the Director ORDERS that:

18 **4.1** Respondents shall immediately cease and desist from participating in the conduct of the affairs of any  
19 mortgage broker subject to licensure by the Director, in any manner, specifically including, but not limited to  
20 originating any residential mortgage loan, assisting with the origination of any residential mortgage loan, and  
21 holding out as able to assist any person with applying for or obtaining any residential mortgage loan.

22 **4.2** This order shall take effect immediately and shall remain in effect unless set aside, limited, or  
23 suspended in writing by an authorized court.

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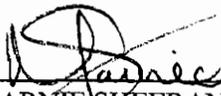
1           WITHIN TEN DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TEMPORARY ORDER  
2 TO CEASE AND DESIST, YOU MAY APPLY TO THE SUPERIOR COURT IN THE COUNTY OF  
3 YOUR PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING ASIDE, LIMITING, OR  
4 SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE ADMINISTRATIVE  
5 PROCEEDINGS PURSUANT TO THIS NOTICE.

6           DATED this 6<sup>th</sup> day of November, 2009.

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9 DEBORAH BORTNER  
10 Director  
11 Division of Consumer Services  
12 Department of Financial Institutions

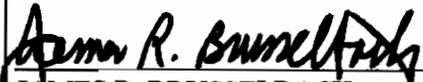
13 Presented by:

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15 MARNIE SHEERAN  
16 Financial Legal Examiner



17 Approved by:

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19 JAMES R. BRUSSELBACK  
20 Enforcement Chief