

Terms Completed

ORDER SUMMARY – Case Number: C-10-004

Name(s): Brian Lee Boyanovsky

Order Number: C-10-004-10-FO01

Effective Date: April 21, 2010

License Number: n/a

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect: Application Denied

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: n/a

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

Comments: _____



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

NO. C-10-004-10-FO01

BRIAN LEE BOYANOVSKY,
Respondent.

FINAL ORDER

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) pursuant to RCW 34.05.464. On January 7, 2010, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (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 January 8, 2010, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Request for Brief Adjudicative Proceeding. The Department served the Statement of Charges, cover letter dated January 8, 2010, Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Request for Brief Adjudicative Proceeding on Respondent on January 8, 2010¹, by First-Class mail and Federal Express overnight delivery.

¹ Misdated as January 8, 2009.

1 On January 18, 2010, Respondent filed a Request for Brief Adjudicative Proceeding. On
2 January 25, 2010, the Department forwarded the Request for brief Adjudicative Proceeding to
3 Presiding Officer Joseph Vincent. On January 27, 2010, Presiding Officer Vincent mailed to
4 Respondent a Notice of Assignment & Time to File Additional Materials dated January 27, 2010,
5 which notified Respondent that he had until Wednesday, February 10, 2010, to provide additional
6 written materials for consideration. Respondent did not provide any additional materials.

7 On February 16, 2010, Presiding Officer Vincent issued an Initial Decision and Order. This
8 Initial Decision and Order –

- 9 • found that Respondent had plead guilty in U.S. District Court to a felony crime of
10 dishonesty
- 11 • concluded that Respondent was not eligible for a loan originator license
- 12 • ordered that Respondent's application to renew a loan originator license be denied

13 On February 16, 2010, Presiding Officer Vincent mailed the Initial Decision and Order to Respondent.
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15 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had twenty (20) days from the
16 date of service of the Initial Decision and Order to file a Petition for Review of the Initial Decision and
17 Order. Respondent did not file a Petition for Review during the statutory period.

18 B. Record Presented. The record presented to the Director for his review and for entry of
19 a final decision included the following:

- 20 1. Statement of Charges, cover letter dated January 7, 2010, and Notice of Opportunity
21 to Defend and Opportunity for Hearing, with documentation of service;
- 22 2. Request for Brief Adjudicative Proceeding for Brian Lee Boyanovsky;
- 23 3. Notice of Assignment & Time to File Additional Materials dated January 27, 2010;
- 24 4. Initial Decision and Order dated January 27, 2010, with documentation of service.

1 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director
2 hereby adopts the Initial Decision and Order, which is attached hereto.

3 II. FINAL ORDER

4 Based upon the foregoing, and the Director having considered the record and being
5 otherwise fully advised, NOW, THEREFORE:

6 A. IT IS HEREBY ORDERED, that:

7 1. Respondent Brian Lee Boyanovsky's application for a license to conduct the business
8 of a Loan Originator is denied.

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

20 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
21 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
22 Review made under chapter 34.05 RCW and RCW 34.05.550.
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1 D. Judicial Review. Respondent has the right to petition the superior court for judicial
2 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing
3 a Petition for Judicial Review, see RCW 34.05.510 and sections following.

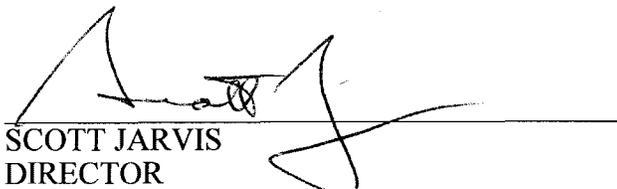
4 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for
5 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
6 attached hereto.

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8 DATED this 21st day of April, 2010.



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STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


SCOTT JARVIS
DIRECTOR

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

BRIAN LEE BOYANOVSKY,

Respondent.

NO. C-10-004-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION

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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 19.146.310, 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 Bryan Lee Boyanovsky (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington (Department), through the NMLS web site, to renew his loan originator license for calendar year 2010 under Safe Harbor Mortgage Company, LLC, a mortgage broker licensed under the Act. The on-line application was received prior to January 1, 2010.

1.2 Prior Criminal Acts. On or about April 19, 2001, Respondent plead guilty in U.S. District Court to the felony crime of Conspiracy to Commit Copyright Infringement in violation of 18 U.S.C. §371. Judgment was entered on or about May 3, 2002. The Indictment charges that Mr. Boyanovsky agreed to provide hardware to assist with the distribution of pirated software in exchange for free access to the software site. Additionally, Mr. Boyanovsky admitted to the Department that he

¹ RCW 19.146 (Amended 2009; Effective January 1, 2010)

1 downloaded pirated music, video, and software for his personal use without paying for the copyrighted
2 materials. The Department has determined that under the facts of this case, Respondent's conviction
3 for Conspiracy to Commit Copyright Infringement is a crime involving an act of dishonesty.

4 II. GROUNDS FOR ENTRY OF ORDER

5 **2.1 Requirement of No Prior Felony Convictions Involving an Act of Dishonesty.** Based on the Factual
6 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(d)(ii)
7 by having been convicted of a felony crime involving an act of dishonesty.

8 III. AUTHORITY TO IMPOSE SANCTIONS

9 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
10 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2), the Director shall not issue a
11 loan originator license if the conditions of RCW 19.146.310(1) have not been met by the applicant. Pursuant to
12 RCW 19.146.310(1)(d)(ii), the Director shall not issue a loan originator license if the applicant has been
13 convicted of, or pled guilty to, a felony in a domestic, foreign, or military court at any time preceding the date
14 of application if the felony involved an act of dishonesty.

15 IV. NOTICE OF INTENTION TO ENTER ORDER

16 The above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute
17 a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and RCW
18 19.146.310. Therefore, it is the Director's intention to ORDER that:

19 **4.1** Respondent Brian Lee Boyanovsky's application for a loan originator license be denied.

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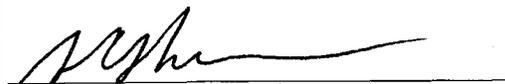
1 **V. AUTHORITY AND PROCEDURE**

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

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9 Dated this 7th day of January 2010.

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

15 Presented by:

16 
17 STEVEN C. SHERMAN
18 Financial Legal Examiner

19 Approved by:

20 
21 FATIMA BATIE
22 Financial Legal Examiner Supervisor

