

## FINAL ORDER SUMMARY – Case Number: C-10-446

**Names:** MJB Communications, Inc. and Micah Jon Burrige, President & CEO  
**Order Number:** C-10-446-13-FO02  
**Effective Date:** July 18, 2013  
**License Number:** N/A – UL LM  
**Or NMLS Identifier [U/L]** NMLS ID: 1095751 (Burrige)  
(Revoked, suspended, stayed, application denied or withdrawn)  
If applicable, you must specifically note the ending dates of terms.  
**License Effect:** N/A  
**Not Apply Until:** June 5, 2018  
**Not Eligible Until:** June 5, 2018  
**Prohibition/Ban Until:** June 5, 2018

<b>Investigation Costs:</b>	\$293	Due: 30 days	Paid: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine:</b>	\$114,000	Due: 30 days	Paid: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s): N/A</b>	\$	Due	Paid: <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution:</b>	\$3,500	Due: 30 days	Paid: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment: N/A</b>	\$	Due	Paid: <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed? N/A</b>	<input type="checkbox"/> Y <input type="checkbox"/> N			
No. of Victims:	1			

**Comments:**  


---



---



---



---



---

1  
2  
3  
4  
5  
6  
7

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

8  
9  
10  
11  
12  
13

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

MJB COMMUNICATIONS CORP., d/b/a  
AMERICAN ECONOMIC SOLUTIONS, and  
MICAH JON BURRIDGE, President,

Respondents.

No.: C-10-446-13-FO02

ORDER AMENDING FINAL  
ORDER C-10-446-13-FO01

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**I. DIRECTOR'S CONSIDERATION**

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 the provisions of chapter 34.05 RCW, the Administrative Procedure Act. Final Order C-10-446-13-FO01, issued on June 5, 2013, had a misspelling of the first name of Respondent Micah J. Burrige in the caption. This Order is entered solely to correct that spelling error in the caption.

**II. ORDER AMENDING FINAL ORDER**

The Director's designee having considered the record and being otherwise fully advised, based upon the foregoing, and NOW, THEREFORE,

**A. IT IS HEREBY ORDERED THAT:**

1. Final Order C-10-446-13-FO01, attached hereto and incorporated herein by reference as though set out in full, is amended to change the spelling of the first name of Respondent Micah Jon Burrige in the caption from Micha to Micah; and
2. All other terms and provisions of Final Order C-10-446-13-FO01 are to be given full force and effect.

**B. Reconsideration.** Pursuant to RCW 34.05.470, Respondent Burrige has the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150

1 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
2 Washington 98504-1200, within ten (10) days of service of the Order upon Respondent. The Petition  
3 for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a  
4 prerequisite for seeking judicial review in this matter.

5 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the  
6 petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written  
7 notice specifying the date by which it will act on a petition.

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

11 D. Judicial Review. Respondent Burrige has the right to petition the superior court for judicial  
12 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for  
13 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

14 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review,  
15 service by the Department is effective upon deposit of this Order in the U.S. mail, declaration of service  
16 attached hereto.

17 DATED this 18<sup>th</sup> day of July, 2013.



18 STATE OF WASHINGTON  
19 DEPARTMENT OF FINANCIAL INSTITUTIONS

20 [Redacted Signature]  
21 DEBORAH BORTNER  
22 Director, Division of Consumer Services  
23  
24



1 D. Record Presented. The record presented to the Director's designee for her review and for  
2 entry of a final decision included the Statement of Charges, cover letters dated September 27, 2012,  
3 Notices of Opportunity to Defend and Opportunity for Hearing, and blank Applications for  
4 Adjudicative Hearing for Respondents, with documentation for service.

5 E. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the Director's  
6 designee hereby adopts the Statement of Charges.

## 7 **II. FINAL ORDER**

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

### 10 A. IT IS HEREBY ORDERED, That:

- 11 1. Respondent MJB Communications Corp. immediately cease and desist engaging in the  
12 business of a mortgage broker.
- 13 2. Respondent Micah Jon Burridge immediately cease and desist engaging in the business of  
14 a mortgage loan originator.
- 15 3. Respondents are prohibited from participation in the conduct of the affairs of any  
16 mortgage broker subject to licensure by the Department, in any manner, for a period of  
17 five years.
- 18 4. Respondents shall pay, jointly and severally, restitution of \$3,500 to the consumer  
19 identified by the Department in paragraph 1.3 of the Statement of Charges.
- 20 5. Respondents shall pay, jointly and severally, a fine of \$114,000.
- 21 6. Respondents shall pay, jointly and severally, an investigative fee of \$293. The combined  
22 fine and investigation fee may be paid together in the form of a cashier's check in the  
23 amount of \$114,293 made payable to the "Washington State Treasurer."
- 24 7. Respondent MJB Communications Corp., its officers, employees, and agents maintain  
records in compliance with chapter 19.146 RCW, the Mortgage Broker Practices Act  
(Act) and provide the Director with the location of the books, records and other  
information relating to Respondent's provision of residential mortgage loan modification  
services in Washington, and the name, address and telephone number of the individual  
responsible for maintenance of such records in compliance with the Act.

//

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a Petition  
2 for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be  
3 filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel  
4 Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington  
5 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The Petition for  
6 Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a  
7 prerequisite for seeking judicial review in this matter.

8 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date  
9 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a  
10 written notice specifying the date by which it will act on a petition.

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

14 D. Judicial Review. Respondents have the right to petition the superior court for judicial review  
15 of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a  
16 Petition for Judicial Review, see RCW 34.05.510 and sections following.

17 E. Non-compliance with Order. If Respondents do not comply with the terms of this Final  
18 Order, including payment of any amounts owed within 30 days of receipt of this Final Order, the  
19 Department may seek its enforcement by the Office of the Attorney General to include the collection  
20 of the restitution, fines, and investigation fees imposed herein. The Department also may assign the  
21 amounts owed to a collection agency for collection.

22 //

23 //

24 //

1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial  
2 Review, service is effective upon deposit of this Final Order in the U.S. mail by the Department,  
3 declaration of service attached hereto.

4  
5 DATED this 5<sup>th</sup> day of June, 2013.

6 STATE OF WASHINGTON  
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

8 /S/ \_\_\_\_\_  
9 DEBORAH BORTNER  
10 Director, Division of Consumer Services



1 contractual relationship with at least one Washington consumer to provide those services and  
2 collected an advance fee for the provision of those services. The Department has received at least  
3 one complaint from a Washington consumer alleging Respondents provided or offered to provide  
4 residential mortgage loan modification services while not licensed by the Department to provide  
5 those services. Consumer ██████ paid Respondents a fee of \$3,500.

6 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to  
7 provide the residential mortgage loan modification services or omitted disclosing that they were not  
8 licensed to provide those services.

9 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the  
10 Act by Respondents continues to date.

## 11 II. GROUNDS FOR ENTRY OF ORDER

12 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,  
13 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of  
14 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage  
15 loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a  
16 person in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-  
17 006, a person "assists a person in obtaining or applying to obtain a residential mortgage loan" by,  
18 among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan  
19 packages...."

20 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a  
21 natural person who for direct or indirect compensation or gain, or in the expectation of direct or  
22 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;  
23 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform  
24 any of these activities.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
2 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive  
3 practice toward any person and obtaining property by fraud or misrepresentation.

4 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual  
5 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)  
6 for engaging in the business of a mortgage broker for Washington residents or property without first  
7 obtaining a license to do so.

8 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
9 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)  
10 for engaging in the business of a loan originator without first obtaining and maintaining a license.

11 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW  
12 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a  
13 location that is on file with and readily available to the Department until at least twenty-five months  
14 have elapsed following the effective period to which the books and records relate.

### 15 III. AUTHORITY TO ORDER PRODUCTION OF RECORDS

16 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.  
17 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce  
18 books, accounts, records, files, and any other documents the director or designated person deems  
19 relevant to an investigation.

### 20 IV. AUTHORITY TO IMPOSE SANCTIONS

21 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
22 Director may issue orders directing any person subject to the Act to cease and desist from  
23 conducting business.

1 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
2 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
3 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9)  
4 or (13), or RCW 19.146.200.

5 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
6 restitution against any person subject to the Act for any violation of the Act.

7 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
8 against any person subject to the Act for any violation of the Act.

9 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-  
10 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time  
11 devoted to an investigation of any person subject to the Act.

## 12 **V. NOTICE OF INTENT TO ENTER ORDER**

13 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as  
14 set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,  
15 and RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

16 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan  
17 originator.

18 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan  
19 modification services transactions with Washington consumers, including the name, address,  
and phone numbers of the consumers, the transaction date, and fees collected by Respondents  
for the provision of those services.

20 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage  
21 broker subject to licensure by the Director, in any manner, for a period of five years.

22 **5.4** Respondents jointly and severally pay restitution to the consumer identified by the  
23 Department in paragraph 1.3 as having paid \$3,500 to Respondents, and that Respondents  
24 jointly and severally pay restitution to each Washington consumer with whom they entered  
into a contract for residential mortgage loan modification services related to real property or  
consumers located in the state of Washington equal to the amount collected from that  
Washington consumer for those services in an amount to be determined at hearing.

1 5.5 Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification  
2 transaction entered into with Washington consumers. As of the date of this Statement of  
Charges, the fine totals \$114,000.

3 5.6 Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As  
4 of the date of this Statement of Charges, the investigation fee totals \$293.

5 5.7 Respondents maintain records in compliance with the Act and provide the Department with  
6 the location of the books, records and other information relating to Respondents' provision of  
7 residential mortgage loan modification services in Washington, and the name, address and  
8 telephone number of the individual responsible for maintenance of such records in  
9 compliance with the Act.

### VI. AUTHORITY AND PROCEDURE

10 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW  
11 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter  
12 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a  
13 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR  
14 HEARING accompanying this Statement of Charges.

15 Dated this 27<sup>th</sup> day of September, 2012.

[Redacted Signature]

DEBORAH BORTNER  
Director, Division of Consumer Services  
Department of Financial Institutions

18 Presented by:

19 [Redacted Signature]

20 ANTHONY W. CARTER  
21 Financial Legal Examiner



22 Approved by:

23 [Redacted Signature]

24 CHARLES E. CLARK  
Enforcement Chief