

UNDER APPEAL

ORDER SUMMARY – Case Number: C-13-1183

Name(s): Porter Law Center, LLC d/b/a Porter Law Center and
Dean Douglas Porter

Order Number: C-13-1183-14-FO01

Effective Date: July 16, 2014

License Number: Unlicensed

Or NMLS Identifier

License Effect: N/A

Not Apply Until:

Not Eligible Until:

Prohibition/Ban Until:

Investigation Costs	\$648	Due: 7/16/14	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$24,000	Due: 7/16/14	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$28,886.87	Due: 7/16/14	Paid <input type="checkbox"/> Y <input checked="" 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:		8		

Comments: Respondents must cease and desist from any further violation of the Mortgage Broker Practices Act (Act) and

Maintain records in compliance with the Act.



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-13-1183-14-FO01

FINAL ORDER

PORTER LAW CENTER, LLC d/b/a PORTER
LAW CENTER and
DEAN DOUGLAS PORTER, Owner,

Respondents.

I. DIRECTOR'S CONSIDERATION

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 March 25, 2013, the Director, through his designee, Consumer Services Division Director Deborah Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, and Collect Investigation Fee ("Statement of Charges") against Porter Law Center, LLC d/b/a Porter Law Center ("Respondent PLC") and Dean Douglas Porter ("Respondent Porter"). On March 29, 2013, the Department of Financial Institutions ("Department") served Respondents PLC and Porter with the Statement of Charges, a cover letter dated March 28, 2013, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents PLC and Porter, sent by First-Class mail and Federal Express overnight delivery. On April 6, 2013, Respondents PLC and Porter filed Applications for Adjudicative Hearing. On April 8, 2013, the Department made a request to the Office of Administrative Hearings ("OAH") to assign an Administrative Law Judge ("ALJ") to

1 schedule and conduct a hearing on the Statement of Charges. On May 3, 2013, OAH issued a Notice
2 of Conference assigning ALJ Lisa Dublin ("ALJ Dublin") to preside over prehearing and hearing
3 proceedings and issue an Initial Decision, and scheduling a prehearing conference for June 3, 2013, at
4 2:00 p.m.

5 On June 3, 2013, all parties attended a telephonic prehearing conference. On June 10, 2013,
6 ALJ Dublin issued a Notice of Hearing and Prehearing Conference Order scheduling a hearing on
7 January 13-16, 2014. On January 15, 2014, ALJ Dublin issued an Order on Motion to Continue,
8 Order on Motion in Limine, Notice of Hearing, and Second Amended Prehearing Conference Order
9 scheduling the hearing for March 10 and 11, 2014, at 9:00 a.m.

10 On March 10, 2014, all parties attended the hearing. On June 6, 2014, ALJ Dublin issued a
11 Findings of Fact, Conclusions of Law, and Initial Order ("Initial Decision and Order") and served a
12 copy on Respondents PLC and Porter and their counsel by First-Class mail. This Initial Decision and
13 Order:

- 14 • found that Respondents provided residential loan modification services to Washington
15 consumers while not registered as a mortgage broker or loan originator in the State of
16 Washington, in violation of RCW 19.146.200(1).
- 17 • found Respondents made deceptive and/or misleading statements of material fact, or
18 omission(s) of material fact, in connection with the provision of residential loan
19 modification services to Washington consumers, in violation of RCW 19.146.0201.
- 20 • affirmed that under RCW 19.146.220(4), the Department may properly order
21 Respondents to cease and desist from any further violation of Chapter 19.146 RCW.
- 22 • affirmed that under RCW 19.146.220(2), the Department may properly hold
23 Respondents jointly and severally responsible for paying restitution in the amount of
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1 Twenty Eight Thousand Eight Hundred Eighty Six Dollars and Eighty Seven Cents
2 (\$28,886.87).

- 3 • affirmed that under RCW 19.146.220(2), the Department may properly hold
4 Respondents jointly and severally responsible for paying a fine to the Department in
5 the amount of Twenty Four Thousand Dollars (\$24,000).
- 6 • affirmed that under RCW 19.146.228, the Department may properly hold Respondents
7 jointly and severally responsible for paying investigative costs of Six Hundred Forty
8 Eight Dollars (\$648).
- 9 • affirmed that under RCW 19.146.060, WAC 208-660-450, and WAC 208-66-510, the
10 Department may properly order Respondents to (a) maintain records in compliance
11 with the Mortgage Broker Practices Act, (b) provide the Department with the name
12 and contact information for the person responsible for maintaining such records, and
13 (c) provide the Department the location of such records as maintained.

14 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent PLC and Porter had twenty
15 (20) days from the date of service of the Initial Decision and Order to file a Petition for Review of the
16 Initial Decision and Order. Respondents PLC and Porter did not file a Petition for Review during the
17 statutory period.

18 A. 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 March 28, 2013, and Notice of
21 Opportunity to Defend and Opportunity for Hearing, with documentation of
22 service.
- 23 2. Applications for Adjudicative Hearing for Porter Law Center, LLC d/b/a Porter
24 Law Center and Dean Douglas Porter.
3. Request to OAH for Assignment of Administrative Law Judge.

4. Notice of Conference dated May 3, 2013, with documentation of service.
5. Notice of Hearing and Prehearing Conference Order dated June 10, 2013, with documentation of service.
6. Order on Motion to Continue, Order on Motion in Limine, Notice of Hearing, and Second Amended Prehearing Conference Order dated January 15, 2014, with documentation of service.
7. Findings of Fact, Conclusions of Law, and Initial Order, dated June 6, 2014, with documentation of service.

B. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.461, the Director hereby adopts the Findings of Fact, Conclusions of Law, and Initial Order, which is attached hereto.

II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

1. Respondents Porter Law Center, LLC d/b/a Porter Law Center and Dean Douglas Porter cease and desist from any further violation of Chapter 19.146 RCW.
2. Respondents Porter Law Center, LLC d/b/a Porter Law Center and Dean Douglas Porter shall jointly and severally pay twenty-eight thousand eight hundred eighty-six dollars and eighty-seven cents (\$28,886.87) in restitution to consumers identified in the Statement of Charges.
3. Respondents Porter Law Center, LLC d/b/a Porter Law Center and Dean Douglas Porter shall jointly and severally pay to the Washington State Department of Financial Institutions, within thirty (30) days of receipt of this order, a fine of Twenty Four Thousand Dollars (\$24,000).
4. Respondents Porter Law Center, LLC d/b/a Porter Law Center and Dean Douglas Porter shall jointly and severally pay to the Washington State Department of Financial Institutions, within thirty (30) days of receipt of this order, an investigation fee of Six Hundred Forty Eight Dollars (\$648).*

* The combined fine and investigation fee may be paid together in the form of a cashier's check in the amount of \$24,648 made payable to the "Washington State Treasurer".

1 5. Respondents Porter Law Center, LLC d/b/a Porter Law Center and Dean Douglas
2 Porter maintain records in compliance with chapter 19.146 RCW, the Mortgage
3 Broker Practices Act ("Act") and provide the Director with the location of the
4 books, records and other information relating to Respondents' 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.

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

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

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

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

21 E. Non-compliance with Order. If Respondents PLC and Porter do not comply with the
22 terms of this order, including payment of any amounts owed within thirty (30) days of receipt of this
23 order, the Department may seek its enforcement by the Office of the Attorney General to include the
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1 collection of the fines and investigation fee imposed herein. The Department also may assign the
2 amounts owed to the Department to a collection agency for collection.

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

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7 DATED this 16th day of July, 2014.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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SCOTT JARVIS
Director

**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:

PORTER LAW CENTER, LLC d/b/a PORTER
LAW CENTER and
DEAN DOUGLAS PORTER, Owner,

Respondents.

No. C-13-1183-13-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO CEASE AND DESIST
BUSINESS, PROHIBIT FROM
INDUSTRY, ORDER RESTITUTION,
IMPOSE FINE, AND COLLECT
INVESTIGATION FEE

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). 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:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Porter Law Center, LLC d/b/a Porter Law Center (Respondent PLC) has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or loan originator.

B. Dean Douglas Porter (Respondent Porter) is the owner of Respondent PLC. During the relevant time period, Respondent Porter was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1.2 Unlicensed Activity. Between at least February and October 2012, Respondents were offering residential mortgage loan modification services to Washington consumers on property located in

1 Washington State. Respondents entered into a contractual relationship with at least eight Washington
2 consumers to provide those services and collected an advance fee for the provision of those services.
3 The Department has received at least one complaint from a Washington consumer alleging
4 Respondents provided or offered to provide residential mortgage loan modification services while not
5 licensed by the Department to provide those services. A list of Washington consumers with whom
6 Respondents conducted business as a mortgage broker or loan originator, and the amount paid by each
7 is appended hereto and incorporated herein by reference.

8 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to
9 provide the residential mortgage loan modification services or omitted disclosing that they were not
10 licensed to provide those services.

11 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
12 Act by Respondents continues to date.

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

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

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

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

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

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

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

17 III. AUTHORITY TO IMPOSE SANCTIONS

18 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
19 Director may issue orders directing any person subject to the Act to cease and desist from conducting
20 business.

21 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
22 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
23 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
24 (13), or RCW 19.146.200.

1 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
2 restitution against any person subject to the Act for any violation of the Act.

3 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
4 against any person subject to the Act for any violation of the Act.

5 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
6 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
7 to an investigation of any person subject to the Act.

8 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

12 **4.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

13 **4.2** Respondents be prohibited from participation, in any manner, in the conduct of the affairs of
14 any mortgage broker subject to licensure by the Director for a period of five years.

15 **4.3** Respondents jointly and severally pay restitution to the eight consumers identified by the
16 Department in Appendix A in the amount set forth therein, and that Respondents jointly and
17 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.

18 **4.4** Respondents jointly and severally pay a fine, which as of the date of this Statement of Charges
19 totals \$24,000.

20 **4.5** Respondents jointly and severally pay an investigation fee, which as of the date of this
21 Statement of Charges totals \$415.20.

22 **4.6** Respondents maintain records in compliance with the Act and provide the Department with the
23 location of the books, records and other information relating to Respondents' provision of
24 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.

V. AUTHORITY AND PROCEDURE

This 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 25th day of March, 2013.



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

Presented by:

DEVON P. PHELPS
Financial Legal Examiner

Approved by:

CHARLES E. CLARK
Enforcement Chief

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