



**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-13-1342-14-FO01

UNITED PROCESSING SERVICES, INC., d/b/a
PACIFIC MORTGAGE CENTER, NMLS #382734, and
ALAN SHANE HURD, President, Designated Broker,
and Mortgage Loan Originator,
NMLS #80956 ,

**ORDER WITHDRAWING
TEMPORARY ORDER TO CEASE AND
DESIST**

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 19.146. On May 27, 2014, the Director, through his designee, Consumer Services Division Director Deborah Bortner, issued a Temporary Order to Cease and Desist against the above-captioned Respondents based on Respondents ongoing failure to comply with a subpoena issued under the investigation authority of the Director. Subsequently, Respondents substantially complied with the requirements of the subpoena.

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1 II. ORDER WITHDRAWING TEMPORARY ORDER TO CEASE AND DESIST

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

4 A. IT IS HEREBY ORDERED, That:

5 1. The Temporary Order to Cease and Desist is withdrawn.

6 DATED this 10th day of June, 2014.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

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

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

UNITED PROCESSING SERVICES, INC., d/b/a
PACIFIC MORTGAGE CENTER, NMLS #382734, and
ALAN SHANE HURD, President, Designated Broker,
and Mortgage Loan Originator,
NMLS #80956 ,

Respondents.

C-13-1342-14-TD01

TEMPORARY ORDER TO
CEASE AND DESIST

THE STATE OF WASHINGTON TO: UNITED PROCESSING SERVICES, INC. d/b/a
PACIFIC MORTGAGE CENTER
ALAN SHANE HURD

COMES NOW the Director of the Washington State Department of Financial Institutions (Director),
by and through his designee Deborah Bortner, Division Director, Division of Consumer Services, and
finding that the public is likely to be substantially injured by delay in issuing a cease and desist order,
enters this Temporary Order to Cease and Desist pursuant to chapter 19.146 RCW, the Mortgage Broker
Practices Act (Act), based on the following:

I. FACTUAL FINDINGS

1.1 Respondents.

A. Respondent United Processing Services, Inc. d/b/a Pacific Mortgage Center

(Respondent United Processing Services) was originally licensed as a mortgage broker on December
16, 2010, and was licensed for all periods relevant to this Temporary Order to Cease and Desist.

B. Respondent Alan Shane Hurd (Respondent Hurd) is the President and Designated Broker
of Respondent United Processing Services. Respondent Hurd was originally licensed as a mortgage
loan originator on or about January 1, 2007, and was licensed for all periods relevant to this

1 Temporary Order to Cease and Desist. Respondent Hurd has been the only President and Designated
2 Broker for Respondent United Processing Services.

3 **1.2 Failure to Comply with Investigation Authority.** The Department issued Subpoena Number
4 C-13-1342-14-SB01 to Respondents on April 29, 2014, pursuant to an investigation into whether or
5 not Respondents violated the Act by engaging in deceptive or misleading practices related to
6 residential mortgage loan modification services. The subpoena was served by First-Class mail and
7 Federal Express overnight delivery. The subpoena sent by Federal Express overnight delivery was
8 delivered on May 1, 2014. The subpoena sent by First-Class mail was not returned by the United
9 States Postal Service. Response to this subpoena was due no later than 5:00 p.m. on May 14, 2014.
10 Respondent Hurd's only response was a letter dated May 12, 2014, and received by the Department on
11 May 14, 2014. Respondent Hurd declined to provide any responsive documents, erroneously claiming
12 attorney client privilege. The Department responded by letter dated May 15, 2014, informing
13 Respondents that the claim of privilege was not applicable and extending the date for compliance to
14 the subpoena to 5:00 p.m. on May 19, 2014. Respondents have not provided any documents in
15 response to this subpoena as of the date of this Temporary Order to Cease and Desist.

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

17 **2.1 Failure to Comply with Investigation Authority.** Based on the Factual Allegations set forth in
18 Section I above, Respondents are in apparent violation of RCW 19.146.235 for failing to comply with
19 the investigation authority of the Director.

20 **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

21 **3.1 Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 19.146.227, the
22 Director is authorized to issue a temporary order to cease and desist whenever the Director determines
23 that the public is likely to be substantially injured by delay in issuing a cease and desist order. Based
24 on the Factual Findings and Grounds for Entry of Order set forth above, Respondents' continuing

1 failure to comply with the investigation authority of the Director is likely to cause be substantial injury
2 to the public due to Respondents' blatant and intentional disregard for the applicable laws.

3 IV. ORDER

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

7 Therefore, the Director ORDERS that:

8 **4.1** Respondents shall immediately cease and desist from participating in the conduct of the affairs of
9 any mortgage broker or loan originator subject to licensure by the Director, in any manner, specifically
10 including but not limited to negotiating any terms of a residential mortgage loan, performing any loan
11 modification services, or holding out as able to assist or perform any of the above listed services.

12 **4.2** This order shall take effect immediately and shall remain in effect unless set aside, limited, or
13 suspended in writing by an authorized court.

14 NOTICE

15 PURSUANT TO CHAPTER 19.146 RCW, YOU ARE ENTITLED TO A HEARING TO
16 DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU DESIRE A
17 HEARING, YOU MUST COMPLETE AND RETURN THE ATTACHED APPLICATION FOR
18 ADJUDICATIVE HEARING.

19 **FAILURE TO COMPLETE AND RETURN THE APPLICATION FOR ADJUDICATIVE**
20 **HEARING SO THAT IT IS RECEIVED BY THE DEPARTMENT WITHIN 20 DAYS OF**
21 **THE DATE THAT THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A**
22 **DEFAULT, AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO A HEARING.**

23 SERVICE ON YOU IS DEFINED AS POSTING IN THE U.S. MAIL, POSTAGE PREPAID,
24 TO YOUR LAST KNOWN ADDRESS, A COPY OF THIS TEMPORARY CEASE AND DESIST

1 ORDER, NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING,
2 AND APPLICATION FOR ADJUDICATIVE HEARING. BE ADVISED THAT DEFAULT WILL
3 RESULT IN THIS TEMPORARY ORDER TO CEASE AND DESIST BECOMING PERMANENT
4 ON THE 21ST DAY FOLLOWING SERVICE OF THIS ORDER UPON YOU.

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

11 DATED this 2th day of May, 2014.



12 [REDACTED]
13 DEBORAH BORTNER
14 Director, Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

17 [REDACTED]
18 ROBERT E. JONES
19 Financial Legal Examiner

20 Approved by:

21 [REDACTED]
22 CHARLES E. CLARK
23 Enforcement Chief