

ORDER SUMMARY – Case Number: C-13-1381

Name(s): Kevin Daniel Casper

Order Number: C-13-1381-14-CO01

Effective Date: July 15, 2014

License Number: DFI: 86464 NMLS ID# 177599
Or NMLS Identifier [U/L] _____

License Effect: Revoked and permanently banned from engaging in the business of mortgage broker or consumer loan company subject to licensure by the Department

Not Apply Until: Permanent

Not Eligible Until: Permanent

Prohibition/Ban Until: Permanent

Investigation Costs	\$1,140	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 7-3-14
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: _____

RECEIVED

JUL 03 2014

DEPT. OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

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:

No. C-13-1381-14-CO01

CONSENT ORDER

KEVIN DANIEL CASPER, Loan Originator,
NMLS # 177599,
Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and Kevin Daniel
Casper (Respondent), 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 the 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
Respondent have agreed upon a basis for resolution of the matters alleged in the Amended Statement
of Charges No. C-13-1381-14-SC02 (Statement of Charges), entered February 25, 2014 (copy
attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and
RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's
entry of this Consent Order and further agrees that the issues raised in the above-captioned matter
may be economically and efficiently settled by entry of this Consent Order. The parties intend this
Consent Order to fully resolve the Amended Statement of Charges. Respondent agrees not to contest
the Amended Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

CONSENT ORDER
C-13-1381-14-CO01
Kevin Daniel Casper

1

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

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

3 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
4 hearing before an administrative law judge, and hereby waives his right to a hearing and any and all
5 administrative and judicial review of the issues raised in this matter, or of the resolution reached
6 herein. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of
7 Administrative Hearings.

8 **C. Mortgage Loan Originator License Revoked.** It is AGREED that Respondent's
9 mortgage loan originator license is revoked.

10 **D. Mortgage Loan Originator License Application Denied.** It is AGREED that
11 Respondent's mortgage loan originator application to renew license is denied.

12 **E. Prohibition from Industry.** It is AGREED that, Respondent is permanently banned and
13 prohibited from participating, in any capacity, in the conduct of the affairs of any mortgage broker or
14 consumer loan company licensed by the Department or subject to licensure or regulation by the
15 Department.

16 **F. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
17 investigation fee of \$1,140.00 in the form of a cashier's check made payable to the "Washington
18 State Treasurer," upon entry of this Consent Order.

19 **G. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
20 abide by the terms and conditions of this Consent Order may result in further legal action by the
21 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
22 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

1 H. **Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this
2 Consent Order, which is effective when signed by the Director's designee.

3 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read
4 this Consent Order in its entirety and fully understands and agrees to all of the same.

5 **RESPONDENT:**

6 [REDACTED]
7 Kevin Daniel Casper

8 6/30/2014
9 Date

10 DO NOT WRITE BELOW THIS LINE

11 THIS ORDER ENTERED THIS 15th DAY OF July, 2014.



17 [REDACTED]
18 DEBORAH BORTNER
19 Director
20 Division of Consumer Services
21 Department of Financial Institutions

22 Presented by:

23 [REDACTED]
24 GREGORY H. SANDOZ
Financial Legal Examiner

Approved by:

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

24 CONSENT ORDER
C-13-1381-14-C001
Kevin Daniel Casper

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

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

KEVIN DANIEL CASPER, Loan Originator,
NMLS # 177599,

Respondent.

No. C-13-1381-14-SC02

**AMENDED STATEMENT OF CHARGES
and NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, DENY
RENEWAL OF LICENSE, PROHIBIT FROM
INDUSTRY, 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 Brokers Practices Act. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the available facts, the Director, through his designee Division of Consumer Services Director Deborah Bortner (Division Director Bortner), issued Statement of Charges C-13-1381-13-SC01 (Statement of Charges SC01) on December 17, 2013. After issuance of Statement of Charges SC01, the Department's ongoing investigation resulted in additional information coming to the Department's attention requiring the Department to amend the Statement of Charges SC01.

Based upon the facts available as of the date of this Amended Statement of Charges, the Director, through Division Director Bortner, now issues this Amended Statement of Charges. This Amended Statement of Charges includes the following modifications: addition of certain factual allegations, addition of certain authority to impose sanctions, addition of authority to collect investigative fee. The Department is charging Respondent with submitting court documents to the Department which were false or misleading, or omitted pertinent or material information regarding

1 his prior criminal history for which the Department is seeking sanctions to include a fine, permanent
2 ban from the industry, and investigative costs as identified in this Amended Statement of Charge.

3 I. FACTUAL ALLEGATIONS

4 **1.1 Respondent Kevin Daniel Casper (Respondent)** was licensed by the Department of
5 Financial Institutions of the State of Washington (Department) to conduct the business of a loan
6 originator on or about September 30, 2013. Respondent's loan originator license expired on
7 December 31, 2013, and Respondent applied to the Department to renew this license for the calendar
8 year 2014.

9 **1.2 Prior Felony Conviction.** On or about November 1, 2002, in the State of Tennessee -
10 Hamilton County Criminal Court, Respondent entered a plea of guilty to a felony theft charge, a
11 crime of dishonesty.

12 **1.3 False Statements and Omissions of Material Facts.**

13 **A.** Respondent submitted information on-line through the Nationwide Multistate
14 Licensing System and Registry (MU4 filings) on or about September 18, 2013, to apply for his loan
15 originator license, and on or about November 13, 2013, to renew his loan originator license.
16 Respondent was obligated by statute to provide the Department with an accurate and complete
17 license application, including answering questions on the MU4 filings truthfully.

18 The "Criminal Disclosure" section of the MU4 filings included the following question: "Have
19 you ever been convicted or pled guilty or nolo contendere ('no contest') in a domestic, foreign, or
20 military court to any felony?" Respondent answered "No" to this question on the MU4 filings.

21 The MU4 filings each contained an oath by Respondent that the information and statements
22 were "current, true, accurate and complete." The MU4 filing on or about November 13, 2013, also
23 included an attestation by Respondent that the information contained in the on-line record was "true,

accurate and complete” and “I understand that submitting any false or misleading information, or omitting pertinent or material information, may be grounds for administrative action.”

B. Respondent submitted to the Department what he represented to be court documents from Hamilton County Criminal Court in Tennessee, indicating he had only been charged with and plead guilty to a misdemeanor theft charge on November 1, 2002. The Department obtained certified copies of the Respondent's actual criminal conviction from the Hamilton County Criminal Court, however, which show he had been charged with and plead guilty to a felony theft charge.

Respondent also submitted to the Department court documents he represented to be from the Catoosa County Superior Court in Georgia. These court documents indicated Respondent had been charged with two counts of theft by deception and one count of theft by taking; and had subsequently plead guilty to two counts of theft by deception. Certified copies of the Catoosa County Superior Court records, however, show Respondent was actually charged with two felony counts of Forgery in the 1st Degree and one count of Theft by Taking; and subsequently plead guilty to two felony counts of Forgery in the 1st Degree on or about March 24, 2000.¹

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

II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement of No Prior Convictions. Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by having been convicted of a felony involving an act of dishonesty.

2.2 False Statements and Omissions of Material Fact. Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.0201(8) and WAC 208-

¹ Respondent's felony convictions were later discharged under the Georgia First Offender program.

1 660-500(3)(h) for negligently making any false statement or knowingly and willfully making an
2 omission of material fact in connection with any reports filed by a mortgage broker or in connection
3 with any investigation conducted by the Department. Additionally, based on the Factual Allegations
4 set forth in Section I above, Respondent is in apparent violation of RCW 19.146.235(9) as a person
5 subject to examination or investigation and knowingly withholding records or other information
6 pertaining to his prior felony theft conviction. Pursuant to RCW 19.146.310 and WAC 208-660-520,
7 the Department's evaluation of the licensing qualifications of persons subject to the Act is an
8 investigation.

9 **2.3 Requirement to Provide Information on License Application.** Based on the Factual
10 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW
11 19.146.300(1) & (2) and RCW 19.146.310(1)(b) by failing to provide an accurate and complete
12 license application in the form prescribed by the Director.

13 **2.4 Requirement to Demonstrate Financial Responsibility, Character, and General Fitness.**

14 Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the
15 requirements of RCW 19.146.310(1)(g) and WAC 208-660-350(2) by failing to demonstrate
16 character and general fitness such as to command the confidence of the community and to warrant a
17 belief that the business will be operated honestly and fairly within the purposes of the Act.

18 **III. AUTHORITY TO IMPOSE SANCTIONS**

19 **3.1 Authority to Revoke Loan Originator License.** Pursuant to RCW 19.146.220(2), the
20 Director may revoke licenses for false statements or omission of material information on the
21 application that, if known, would have allowed the Director to deny the application for the original
22 license or any violation of the Act.

1 **3.2 Authority to Deny Application to Renew Loan Originator License.** Pursuant to RCW
2 19.146.220(1), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.220(2),
3 the Director may decline to renew licenses for false statements or omission of material information
4 on the application that, if known, would have allowed the Director to deny the application for the
5 original license or any violation of the Act. Pursuant to RCW 19.146.310(2), if the Director does not
6 find the conditions of RCW 19.146.310(1) have been met, the Director shall not issue the loan
7 originator license and shall notify the loan originator applicant of the denial.

8 **3.3 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
9 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
10 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
11 mortgage broker or any person subject to licensing under the Act for any violation of the Act or false
12 statements or omission of material information on the application that, if known, would have allowed
13 the Director to deny the application for the original license.

14 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
15 against a licensee or other persons subject to the Act for false statements or omission of material
16 information on the application that, if known, would have allowed the Director to deny the
17 application for the original license or any violation of the Act.

18 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
19 520(9) & (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per hour
20 for an examiner's time devoted to an investigation of a licensee or other person subject to the Act.

21 **IV. NOTICE OF INTENTION TO ENTER ORDER**

22 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
23 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose

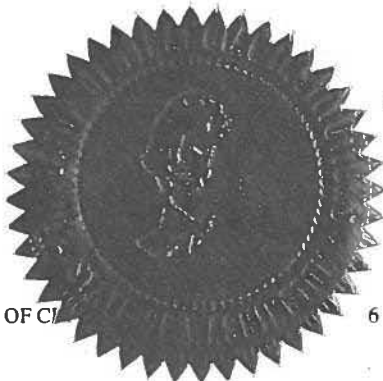
Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, RCW 19.146.230, and RCW 19.146.310. Therefore, it is the Director's intention to ORDER that:

- 4.1 Respondent Kevin Daniel Casper's license to conduct the business of a loan originator be revoked.
- 4.2 Respondent Kevin Daniel Casper's application to renew a license to conduct the business of a loan originator be denied.
- 4.3 Respondent Kevin Daniel Casper be permanently prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner.
- 4.4 Respondent Kevin Daniel Casper pay a fine of \$10,000.
- 4.5 Respondent Kevin Daniel Casper pay an investigation fee. As of the date of this Statement of Charges, the investigation fee totals \$1,140.

V. AUTHORITY AND PROCEDURE

This Amended 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). Respondent has already submitted a written request for a hearing regarding the Statement of Charges SCO1. Therefore, Respondent is not required to submit a new written request for hearing regarding the Amended Statement of Charges.

Dated this 25th day of February, 2014.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

1 Presented by:

2 [REDACTED]
3
4 GREGORY H. SANDOZ
Financial Legal Examiner

5 Approved by:

6 [REDACTED]
7
8 CHARLES E. CLARK
Enforcement Chief

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

IN THE MATTER OF INVESTIGATING
The loan originator license under the
Mortgage Broker Practices Act of Washington by:

KEVIN DANIEL CASPER, Loan Originator,
NMLS # 177599,

Respondent.

No. C-13-1381-13-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, DENY
RENEWAL OF LICENSE, AND PROHIBIT
FROM INDUSTRY

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). 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:

I. FACTUAL ALLEGATIONS

- 1.1 Respondent Kevin Daniel Casper (Respondent)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct the business of a loan originator on or about September 30, 2013, and continues to be licensed to date. Respondent's loan originator license expires on December 31, 2013, and Respondent has applied to the Department to renew this license for the calendar year 2014.
- 1.2 Prior Felony Conviction.** On or about January 9, 2002, in the State of Tennessee - Hamilton County Criminal Court, Respondent entered a plea of guilty to a felony crime of dishonesty.
- 1.3 False Statements and Omissions of Material Facts on License Application and Renewal.**

Respondent submitted information on-line through the Nationwide Multistate Licensing System and

STATEMENT OF CHARGES	I	DEPARTMENT OF FINANCIAL INSTITUTIONS
C-13-1381-13-SC01		Division of Consumer Services
Kevin Daniel Casper		150 Israel Rd SW
		PO Box 41200
		Olympia, WA 98504-1200
		(360) 902-8703

1 Registry (MU4 filings) on or about September 18, 2013, to apply for his loan originator license, and
2 on or about November 13, 2013, to renew his loan originator license. Respondent was obligated by
3 statute to provide the Department with an accurate and complete license application, including
4 answering questions on the MU4 filings truthfully.

5 The "Criminal Disclosure" section of the MU4 filings included the following question: "Have
6 you ever been convicted or pled guilty or nolo contendere ('no contest') in a domestic, foreign, or
7 military court to any felony?" Respondent answered "No" to this question on the MU4 filings.

8 The MU4 filings each contained an oath by Respondent that the information and statements
9 were "current, true, accurate and complete." The MU4 filing on or about November 13, 2013, also
10 included an attestation by Respondent that the information contained in the on-line record was "true,
11 accurate and complete" and "I understand that submitting any false or misleading information, or
12 omitting pertinent or material information, may be grounds for administrative action."

13 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
14 Act by Respondent continues to date.

15 II. GROUNDS FOR ENTRY OF ORDER

16 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section
17 I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-
18 350(2)(c) by having been convicted of a felony involving an act of dishonesty.

19 **2.2 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent
20 is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(h) for negligently making
21 any false statement or knowingly and willfully making an omission of material fact in connection
22 with any reports filed by a mortgage broker or in connection with any investigation conducted by the
23

Department. Pursuant to RCW 19.146.310 and WAC 208-660-520, the Department's evaluation of the licensing qualifications of persons subject to the Act is an investigation.

2.3 Requirement to Provide Information on License Application. Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.300(1) & (2) and RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form prescribed by the Director.

2.4 Requirement to Demonstrate Financial Responsibility, Character and General Fitness. Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW 19.146.310(1)(g) and WAC 208-660-350(2) by failing to demonstrate character and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly and fairly within the purposes of the Act.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Deny Application to Renew Loan Originator License. Pursuant to RCW 19.146.220(1), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.220(2), the Director may decline to renew licenses for false statements or omission of material information on the application that, if known, would have allowed the Director to deny the application for the original license; or any violation of the Act. Pursuant to RCW 19.146.310(2), if the Director does not find the conditions of RCW 19.146.310(1) have been met, the Director shall not issue the loan originator license and shall notify the loan originator applicant of the denial.

3.2 Authority to Revoke Loan Originator License. Pursuant to RCW 19.146.220(2), the Director may revoke licenses for false statements or omission of material information on the application that, if known, would have allowed the Director to deny the application for the original license or any violation of the Act.

1 **3.3 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
2 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
3 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
4 mortgage broker or any person subject to licensing under the Act for any violation of the Act or false
5 statements or omission of material information on the application that, if known, would have allowed
6 the Director to deny the application for the original license.

7 **IV. NOTICE OF INTENTION TO ENTER ORDER**

8 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
9 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
10 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
11 RCW 19.146.223, RCW 19.146.230 and RCW 19.146.310. Therefore, it is the Director's intention to
12 ORDER that:

- 13 **4.1** Respondent Kevin Daniel Casper's license to conduct the business of a loan originator
14 be revoked.
- 15 **4.2** Respondent Kevin Daniel Casper's application to renew a license to conduct the
16 business of a loan originator be denied.
- 17 **4.3** Respondent Kevin Daniel Casper be prohibited from participation in the conduct of
18 the affairs of any mortgage broker subject to licensure by the Director, in any manner,
19 for a period of 5 years.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter
4 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a
5 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
6 HEARING accompanying this Statement of Charges.

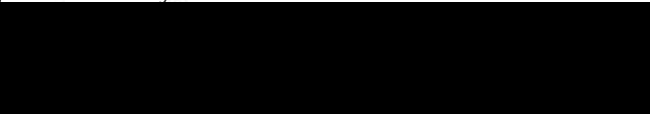
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8 Dated this 17th day of December, 2013.



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DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

18 Presented by:



24 GREGORY H. SANDOZ
Financial Legal Examiner

Approved by:



CHARLES E. CLARK
Enforcement Chief