

**ORDER SUMMARY – Case Number: C-14-1447**

**Name:** Richard John Seracka

**Order Number:** C-14-1447-14-CO01

**Effective Date:** February 18, 2015

**License Number:** DFI: 36838 NMLS ID #91476

**Or NMLS Identifier [U/L]**

**License Effect:** Surrendered

**Not Apply Until:** February 18, 2030

**Not Eligible Until:** February 18, 2030

**Prohibition/Ban Until:** February 18, 2030

<b>Investigation Costs</b>	\$2,957.07	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/23/2015
<b>Fine</b>	\$18,000.00	\$1,000 pd 1/23/2015 \$17,000 stayed per terms of Order	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
No. of Victims:	0			

Comments: \$17,000 of the fine is stayed provided the prohibition is complied with. The prohibition does not preclude

Respondent Seracka from resolving ownership issues with Washington First Mortgage, Inc.

**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  
and the Consumer Loan Act of Washington by:

RICHARD JOHN SERACKA,  
Mortgage Loan Originator, NMLS #91476,

Respondent.

No.: C-14-1447-14-CO01

**CONSENT ORDER**

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Richard John Seracka (Respondent), by and through his Attorney Wright Noel, 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 chapters 19.146 and 31.04 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 Statement of Charges No. C-14-1447-14-SC01 (Statement of Charges), entered April 18<sup>th</sup>, 2014, (copy attached hereto).

The Department and Respondent have also agreed upon a basis for resolution of the matters alleged in Temporary Order to Cease and Desist and Summary Suspension of License No. C-14-1447-14-TD01 (Temporary Order to Cease and Desist), entered April 1<sup>st</sup>, 2014, (copy attached hereto).

Pursuant to chapters 19.146 and 31.04 RCW, the Mortgage Broker Practices and Consumer Loan Acts (Acts) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to

1 the Department's entry of this Consent Order and further agrees that the issues raised in the above-  
2 captioned matter may be economically and efficiently settled by entry of this Consent Order. The  
3 parties intend this Consent Order to fully resolve the Statement of Charges and Temporary Order to  
4 Cease and Desist.

5 Based upon the foregoing:

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

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

13 **C. Withdrawal of Temporary Order to Cease and Desist.** It is AGREED and ORDERED  
14 that the Temporary Order to Cease and Desist referenced above is hereby withdrawn.

15 **D. No Admission of Liability.** The parties intend this Consent Order to fully resolve the  
16 Statement of Charges and Temporary Order to Cease and Desist and AGREE that Respondent neither  
17 admits nor denies the allegations therein.

18 **E. Mortgage Loan Originator License Surrender.** It is AGREED that Respondent's  
19 mortgage loan originator license is surrendered.

20 **F. Prohibition from Industry.** It is AGREED that, for a period of fifteen years from the  
21 date of entry of this Consent Order, Respondent is prohibited from participating, in any capacity, in  
22 the conduct of the affairs of any mortgage broker or consumer loan company licensed by the  
23 Department or subject to licensure or regulation by the Department. It is further AGREED that,

24 notwithstanding this prohibition, Respondent is not prohibited from participating in the conduct of

1 the affairs of a consumer loan company licensed by the Department or subject to licensure or  
2 regulation by the Department provided such participation is limited to resolving his ownership in  
3 Washington First Mortgage, Inc.

4 **G. Fine.** It is AGREED and ORDERED that the Department imposes a fine of \$18,000 upon  
5 Respondent.

6 **H. Partial Stay of Fine.** It is AGREED that \$17,000 of the fine referenced in Paragraph G  
7 of this Consent Order will be STAYED provided that Respondent complies with the terms of  
8 Paragraph F of this Consent Order. The continuance of this stayed fine shall be based upon  
9 Respondent's continued compliance with the prohibition. It is further AGREED that Respondent  
10 shall pay the remaining \$1,000 of the fine in the form of a cashier's check made payable to the  
11 "Washington State Treasurer," upon entry of this Consent Order.

12 **I. Lifting of Stay.** It is AGREED that:

- 13 1. If the Department determines that Respondent has not complied with the terms of  
14 this Consent Order to a degree sufficient to warrant imposition of a fine, and the  
15 Department accordingly seeks to lift the stay and impose the fine set forth in  
Paragraph G above, the Department will first notify Respondent in writing of its  
determination.
- 16 2. The Department's notification will include:
  - 17 a) A description of the alleged noncompliance;
  - 18 b) A statement that because of the noncompliance, the Department seeks  
19 to lift the stay and impose the fine;
  - 20 c) The opportunity for Respondent to contest the Department's  
21 determination of noncompliance in an administrative hearing before an  
Administrative Law Judge (ALJ) of the Office of Administrative  
Hearings (OAH); and
  - 22 d) A copy of this Consent Order. The notification and hearing process  
23 provided in this Consent Order applies only to this Consent Order. It is  
solely provided in the event Respondent chooses to contest the  
24 Department's determination of noncompliance.

3. Respondent will be afforded ten (10) business days from the date of receipt of the Department's notification to submit a written request to the Department for an administrative hearing to be held before an ALJ from the OAH.
4. Respondent, in addition to his request for hearing, may provide a written response to include any information pertaining to the alleged noncompliance.
5. The administrative hearing shall be expedited and follow the timing and processes described in this Consent Order.
6. If requested, the hearing will be held within 15 business days (or as soon as the schedule of the ALJ permits) from the due date for Respondent's request for hearing or from the date of receipt of Respondent's timely request for hearing, whichever is sooner. The parties will accommodate the prompt scheduling of the hearing.
7. The scope and issues of the hearing are limited solely to whether or not Respondent is in violation of the terms of this Consent Order to a degree sufficient to warrant imposition of a fine.
8. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party may file a Petition for Review with the Director of the Department.
9. If Respondent does not request the hearing within the stated time, the Department will impose the fine and pursue whatever action it deems necessary to enforce the fine.

**J. Investigation Fee.** It is AGREED and ORDERED that Respondent shall pay to the Department an investigation fee of \$2,957.07, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together in one \$3,957.07 cashier's check made payable to the "Washington State Treasurer."

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

1        **L. 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        **M. 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 [Redacted]  
8 Richard John Seracka

2-7-2015  
Date

9 Approved for Entry:

10 [Redacted]

11 Wright Noel, WSBA No.25264  
12 Attorney at Law  
Carson & Noel, PLLC  
Attorney for Respondents

2-12-15  
Date

13 DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 18<sup>th</sup> DAY OF February, 2015.



  
~~DEBORAH BORTNER~~ Charles Clark  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
ROBERT E. JONES  
Financial Legal Examiner

  
KENNETH SUGIMOTO  
Financial Legal Examiner

Approved by:

  
~~CHARLES E. CLARK~~ STEVEN C. SHERMAN  
Enforcement Chief

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STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO REVOKE LICENSE, PROHIBIT  
FROM INDUSTRIES, IMPOSE FINE, AND  
COLLECT INVESTIGATION FEE

## 8

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 (MBPA)<sup>1</sup>. Pursuant to RCW 31.04.165 and 31.04.168, the Director is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (CLA)<sup>2</sup>. After having conducted an investigation pursuant to RCW 31.04.145, 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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## 8

9           **A.       Richard John Seracka (Respondent Seracka)** was licensed by the Department of  
0 Financial Institutions of the State of Washington (Department) to conduct business as a mortgage  
1 loan originator on or about May 23, 2007, and was licensed at all times relevant to this Statement of  
2 Charges. Respondent Seracka was sponsored by mortgage broker West Horizon Financial, Inc.

4



(West Horizon) on or about October 2, 2008. Respondent Seracka's sponsorship was removed by West Horizon on or about August 28, 2011. Respondent Seracka was sponsored by consumer loan company Washington First Mortgage Loan Corporation (Washington First Mortgage) on or about May 8, 2012. Respondent Seracka's sponsorship was removed on or about February 12, 2014. Respondent Seracka's mortgage loan originator license has been inactive since February 14, 2014.

**1.2 Discovery of Violations.** On or about February 6, 2014, Respondent Seracka's employment was terminated by Washington First Mortgage. Subsequently, loan documents were found in a file cabinet and office used by Respondent Seracka which contained apparent alterations, including alterations related to borrower signatures.

**1.3 Altered Deposit Record.** Respondent Seracka took an application for a residential mortgage loan from borrower C.F. on or about August 14, 2010. An altered sales receipt from the loan file was discovered in a file cabinet used by Respondent Seracka on or about March 4, 2014. The sales receipt belonged to the borrower and appeared to have been altered to inflate the amount of income realized by the borrower by \$1,000 on a sale made by the borrower. Respondent Seracka was paid by Washington First Mortgage for originating this loan.

**1.4 Altered Bank Statements.** Respondent Seracka took an application for a residential mortgage loan from borrower B.D. on or about August 19, 2010. Copies of altered bank statements were discovered in a file cabinet used by Respondent Seracka on or about March 4, 2014. The original bank statements were for the borrower's account. One bank statement was altered by removing the borrower's deposit and withdrawal history. Another bank statement was altered by photocopying the signature of a bank employee from one document and pasting it onto a new document. The alterations disguised a withdrawal from the borrower's bank account. Respondent Seracka was paid by Washington First Mortgage for originating this loan.

1 **1.5 Altered Signatures.**

2 **A.** Respondent Seracka took an application for a residential mortgage loan from borrower  
3 N.M. on or about October 18, 2010. Loan documents containing N.M.'s apparently forged signature  
4 were found on or about March 4, 2014, in a file cabinet used by Respondent Seracka. The signatures  
5 appeared to have been created using a photocopy of the borrower's actual signature that had been cut  
6 from another loan document. Respondent Seracka was paid by Washington First Mortgage for  
7 originating this loan.

8 **B.** Respondent Seracka took an application for a residential mortgage loan from borrower  
9 S.K. on or about March 2, 2011. Loan documents containing signatures that did not appear to be  
10 genuine were discovered in a bin of documents to be shredded on or about December 23, 2013.  
11 Respondent Seracka was paid by Washington First Mortgage for originating this loan.

12 **C.** Respondent Seracka took an application for a residential mortgage loan from borrower  
13 J.K. during 2011. Loan documents containing J.K.'s apparent forged signatures were found on or  
14 about December 23, 2014, in a bin for documents to be shredded. The document appeared to have  
15 been created using photocopies of the borrowers' signatures. Respondent Seracka was paid by  
16 Washington First Mortgage for originating this loan.

17 **D.** Respondent Seracka took an application for a residential mortgage loan from borrower  
18 B.H. on or about March 28, 2012. A document containing the borrower's signature was found in a  
19 bin for documents to be shredded on or about December 23, 2014. The signatures on the document  
20 appeared to have been cut out from another document signed by the borrower. Respondent Seracka  
21 was paid by Washington First Mortgage for originating this loan.

22 **E.** Respondent Seracka took an application for a residential mortgage loan from borrower  
23 L.F. on or about October 22, 2013. A copy of an unsigned letter of explanation from borrower L.F.

1 was discovered in Respondent Seracka's office on or about February 18, 2014. A photocopy of  
2 borrower L.F.'s signature was taped to the letter of explanation. Respondent Seracka was paid by  
3 Washington First Mortgage for originating this loan.

4 **F.** Respondent Seracka took an application for a residential mortgage loan from borrower  
5 R.C. on or about October 24, 2013. Copies of loan documents with R.C.'s apparently altered  
6 signatures were discovered in Respondent Seracka's office on or about February 18, 2014.  
7 Respondent Seracka was paid by Washington First Mortgage for originating this loan.

8 **1.6 Conducting Business as a Mortgage Loan Originator with Inactive License.** Respondent  
9 Seracka received an application for a residential mortgage loan from borrowers R.S. and K.S. on or  
10 about November 23, 2013. The borrowers then indicated that they did not wish to proceed with the  
11 application on or about November 25, 2013. Respondent Seracka continued to communicate with  
12 borrowers R.S. and K.S., who expressed an intention to proceed with a new application on or about  
13 February 3, 2014. Respondent Seracka continued to assist borrowers R.S. and K.S. after being  
14 terminated by Washington First Mortgage. Respondent Seracka was assisted by Jason Joseph Oscar  
15 Berge (MLO Berge), a licensed Mortgage Loan Originator, who submitted an application for a  
16 residential mortgage loan through Washington First Mortgage for borrowers R.S. and K.S. MLO  
17 Berge indicated that he was the loan originator on this application which was dated February 26,  
18 2014. Thereafter, Respondent Seracka continued to assist the borrowers, including soliciting and  
19 receiving documents necessary to apply for a residential mortgage loan.

20 **1.7 On-Going Investigation.** The Department's investigation into the alleged violations of the  
21 Act by Respondent Seracka continues to date.

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

2 **2.1 Altered Documents.** Based on the Factual Allegations set forth in Section I above,  
3 Respondent Seracka is in apparent violation of RCW 19.146.0201(1), (2) and (3) or RCW  
4 31.04.027(1), (2), and (3) for directly or indirectly employing a scheme, device or artifice to defraud  
5 or mislead borrowers or lenders or any person, engaging in an unfair or deceptive practice toward any  
6 person, and obtaining property by fraud or misrepresentation.

7 **2.2 Conducting Business of a Mortgage Loan Originator with Inactive License.** Based on the  
8 Factual Allegations set forth in Section I above, Respondent Seracka is in apparent violation of RCW  
9 19.146.0201(2) and (3) and WAC 208-660-350(9) or RCW 31.04.027(2) and (3) and WAC 208-620-  
10 710(11) for directly or indirectly engaging in the business of a mortgage loan originator with an  
11 inactive license.

12 **III. AUTHORITY TO IMPOSE SANCTIONS**

13 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2), the Director may revoke  
14 licenses for any violation of the MBPA. Pursuant to RCW 31.04.093(3), the Director may revoke  
15 licenses for any violation of the CLA.

16 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
17 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker,  
18 any officer, principal, employee, or loan originator of any licensed mortgage broker or any person  
19 subject to licensing under the MBPA for any violation of RCW 19.146.0201(1) through (9). Pursuant  
20 to RCW 31.04.093(6)(e), the Director may issue an order prohibiting from participation in the affairs  
21 of any licensee, any officer, principal, employee, or loan originator, or any person subject to the CLA  
22 for any violation of RCW 31.04.027.

**3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines against a licensee or other persons subject to the MBPA for any violation of the MBPA. Pursuant to RCW 19.146.220(3), the Director may impose fines on an employee, loan originator, independent contractor, or agent of the licensee, or other person subject to the MBPA, for any violations of RCW 19.146.0201(1) through (9). Pursuant to RCW 31.04.093(4)(a) the Director may impose fines against a licensee or other persons subject to the CLA for any violation of the CLA.

**3.4 Authority to Charge Investigation Fee:** Pursuant to RCW 31.04.145(3) and WAC 208-620-590, every licensee investigated by the Director or the Director's designee shall pay for the cost of the investigation, calculated at the rate of sixty-nine dollars and one cent (\$69.01) per staff hour devoted to the examination or investigation.

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

Respondent's violations of the provisions of chapter 19.146 RCW, chapter 208-660 WAC, chapter 31.04 RCW, and chapter 208-620 WAC, 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 31.04.093, RCW 31.04.165, and RCW 31.04.205. Therefore, it is the Director's intention to ORDER that:

- 4.1** Respondent Richard John Seracka's license to conduct the business of a mortgage loan originator be revoked.
- 4.2** Respondent Richard John Seracka be prohibited from participation in the conduct of the affairs of any mortgage broker or consumer loan company subject to licensure by the Director, in any manner, for a period of ten years.
- 4.3** Respondent Richard John Seracka pay a fine. As of the date of this Statement of Charges, the fine totals \$18,000.00.
- 4.4** Respondent Richard John Seracka pay an investigation fee. As of the date of this Statement of Charges, the investigation fee totals \$2,957.07.

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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 RCW 31.04.093, RCW 31.04.165, RCW  
4 31.04.168, and RCW 31.04.202; and is subject to the provisions of chapter 34.05 RCW (the  
5 Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in  
6 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
7 accompanying this Statement of Charges.

8  
9 Dated this 18<sup>th</sup> day of April, 2014.



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[Redacted Signature]

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

21 Presented by:

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[Redacted Signature]

ROBERT E. JONES  
Financial Legal Examiner

Presented by:

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[Redacted Signature]

KENNETH SUGIMOTO  
Financial Legal Examiner

21 Approved by:

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[Redacted Signature]

CHARLES E. CLARK  
Enforcement Chief

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

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Consumer Loan Act of Washington by:

C-14-1447-14-TD01

RICHARD JOHN SERACKA,  
Mortgage Loan Originator, NMLS # 91476,

TEMPORARY ORDER TO CEASE  
AND DESIST AND SUMMARY  
SUSPENSION OF LICENSE

Respondent.

THE STATE OF WASHINGTON TO: RICHARD JOHN SERACKA

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 (designee), 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 and summary suspension of license pursuant to chapter 31.04 RCW, the Consumer Loan Act (Act), based on the following findings:

**I. FACTUAL FINDINGS**

**1.1 Respondent.**

**A. Richard John Seracka (Respondent Seracka).** Respondent Seracka is a mortgage loan originator licensed under the Act. Respondent Seracka was originally licensed on or about May 23, 2007, and was licensed at all times relevant to this Temporary Order to Cease and Desist. Respondent Seracka was sponsored by consumer loan company Washington First Mortgage Loan Corporation (Washington First Mortgage) on or about May 8, 2012. Respondent Seracka's sponsorship was removed on or about February 12, 2014. Respondent Seracka's mortgage loan originator license has been inactive since February 14, 2014.

**1.2 Termination.** On or about February 6, 2014, Respondent Seracka's employment was terminated by Washington First Mortgage. Subsequently, loan documents were found in Respondent Seracka's office which contained apparent alterations, including alterations related to borrower signatures.

1 **1.3 Altered Documents.** On at least two occasions, Respondent Seracka altered documents related to a  
2 residential mortgage loan application. In the residential mortgage loan file of borrower L.F., Respondent  
3 Seracka taped a copy of the borrower's signature to an unsigned letter of explanation. In the residential  
4 mortgage loan file of borrower R.C., Respondent Seracka photocopied the borrower's signature and used that  
5 signature to complete several loan documents.

6 **1.4 Conducting Business as a Mortgage Loan Originator with Inactive License.** Respondent Seracka  
7 received an application for a residential mortgage loan from borrowers R.S. and K.S. on or about November 23,  
8 2013. The borrowers then indicated that they did not wish to proceed with the application on or about  
9 November 25, 2013. Respondent Seracka continued to communicate with borrowers R.S. and K.S., who  
10 expressed an intention to proceed with a new application on or about February 3, 2014. Respondent Seracka  
11 continued to assist borrowers R.S. and K.S. after being terminated by Washington First Mortgage. Respondent  
12 Seracka was assisted by Jason Joseph Oscar Berge (MLO Berge), a licensed Mortgage Loan Originator, who  
13 submitted an application for a residential mortgage loan through Washington First Mortgage for borrowers R.S.  
14 and K.S. MLO Berge indicated that he was the loan originator on this application which was dated February  
15 26, 2014. Thereafter, Respondent Seracka continued to assist the borrowers, including soliciting and receiving  
16 documents necessary to apply for a residential mortgage loan.

17 **1.5 Substantial Injury to the Public.** Respondent's apparent violations of the Act are such that the  
18 public is likely to be substantially injured by delay in issuing a cease and desist order.

## 19 **II. GROUNDS FOR ENTRY OF ORDER**

20 **2.1 Altered Documents.** Based on the Factual Findings set forth in Section I above, Respondent Seracka  
21 is in apparent violation of RCW 31.04.027(2) for directly or indirectly engaging in an unfair or deceptive  
22 practice toward any person by altering documents.

23 **2.2 Activity with Inactive License.** Based on the Factual Findings set forth in Section I above,  
24 Respondent Seracka is in apparent violation of RCW 31.04.027(2) and WAC 208-620-710(11) by conducting  
25 the activities of a loan originator or holding himself out as a loan originator while holding an inactive license.



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

2   **3.1     Authority to Issue Order to Cease and Desist.** Pursuant to RCW 31.04.093(5), the director may  
3   issue an order directing the licensee, its employee or loan originator, or other person subject to the Act to cease  
4   and desist from conducting business in a manner that is injurious to the public or violates any provision of the  
5   Act; and take such affirmative action as is necessary to comply with the Act.

6   **3.2     Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 31.04.093(8),  
7   whenever the Director determines that the public is likely to be substantially injured by delay in issuing a cease  
8   and desist order, the director may immediately issue a temporary cease and desist order. The order may direct  
9   the licensee to discontinue any violation of the Act, to take such affirmative action as is necessary to comply  
10   with the Act, and may include a summary suspension of the licensee's license and may order the licensee to  
11   immediately cease the conduct of business under the Act. The order shall become effective at the time  
12   specified in the order.

13                   **IV. ORDER**

14               Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue Temporary  
15   Order to Cease and Desist, and pursuant to RCW 31.04.093 and RCW 31.04.165, the Director determines that  
16   the public is likely to be substantially harmed by a delay in entering a cease and desist order. Therefore, the  
17   Director ORDERS that:

18               **4.1**     Respondent Richard John Seracka's license to conduct the business of a Mortgage Loan  
19                           Originator is summarily suspended.

20               **4.2**     Respondent Richard John Seracka shall immediately cease and desist from engaging in the  
21                           business of a mortgage loan originator.

22                   **NOTICE**

23               PURSUANT TO CHAPTER 31.04 RCW, YOU ARE ENTITLED TO A HEARING WITHIN 14 DAYS  
24   OF REQUEST TO DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU  
25   DESIRE A HEARING, THEN YOU MUST RETURN THE ATTACHED APPLICATION FOR

1 ADJUDICATIVE HEARING INCORPORATED HEREIN BY THIS REFERENCE. FAILURE TO  
2 COMPLETE AND RETURN THE APPLICATION FOR ADJUDICATIVE HEARING FORM SO THAT IT IS  
3 RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS OF  
4 THE DATE THAT THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A DEFAULT AND WILL  
5 RESULT IN THE LOSS OF YOUR RIGHT TO A HEARING. SERVICE ON YOU IS DEFINED AS POSTING  
6 IN THE U.S. MAIL, POSTAGE PREPAID, TO YOUR LAST KNOWN ADDRESS. BE ADVISED THAT  
7 DEFAULT WILL RESULT IN THIS ORDER TO CEASE AND DESIST BECOMING PERMANENT ON THE  
8 TWENTY-FIRST (21ST) DAY FOLLOWING SERVICE OF THIS ORDER UPON YOU.

9  
10  
11 DATED this 1<sup>st</sup> day of April, 2014.



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