

## ORDER SUMMARY – Case Number: C-14-1588

**Name(s):** Andrew W. Casebeer

**Order Number:** C-14-1588-16-CO01

**Effective Date:** March 17, 2016

**License Number:** DFI: 91565 NMLS ID: 91565  
**Or NMLS Identifier [U/L]**

**License Effect:** Revoked

**Not Apply Until:**

**Not Eligible Until:**

**Prohibition/Ban Until:** Permanent

<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$11,000	Due:	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$75,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:**

Confession of Judgement for fine to be filed at undetermined point in future. Restitution to be paid pursuant to an order between Respondent and state of Oregon.

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**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:

No.: C-14-1588-16-CO01

CONSENT ORDER

ANDREW W. CASEBEER,  
Mortgage Loan Originator, NMLS #91565,

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his  
designee Charles E. Clark, Division Director, Division of Consumer Services, and Andrew W.  
Casebeer (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 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-14-1588-15-SC01 (Statement of Charges), entered June 30, 2015, (copy attached hereto).  
Pursuant to chapter 31.04 RCW, the Consumer Loan 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 Statement of Charges and agree that Respondent does not admit any wrongdoing by its  
entry. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms  
of this Consent Order.

1 Based upon the foregoing:

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

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

8 C. **No Admission of Liability.** The parties intend this Consent Order to fully resolve the  
9 Statement of Charges and agree that Respondent does not admit to any wrongdoing by its entry.

10 D. **Mortgage Loan Originator License Revocation.** It is AGREED that Respondent's  
11 mortgage loan originator license is revoked.

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

15 F. **Declaration of Financial Condition and Confession of Judgment.** It is AGREED that  
16 Respondent has provided the Department with a declaration describing his current financial condition  
17 and representing his current inability to pay the fine obligation agreed to in Paragraph G of this  
18 Consent Order. It is further AGREED that, based on this Declaration, the Department has accepted a  
19 Confession of Judgment from Respondent for the fine obligation agreed to in Paragraph G of this  
20 Consent Order. A copy of this Confession of Judgment is attached and incorporated into this Consent  
21 Order by this reference. Consistent with RCW 4.60, the Department may immediately seek entry of  
22 the judgment. Respondent shall, upon the Department's request, fully and promptly cooperate with  
23 the Department in its efforts to get the judgment entered by the superior court.

1       **G. Confession of Judgment for Fine.** It is AGREED that Respondent has entered into a  
2 Confession of Judgment for a fine in the amount of \$11,000 owed to the Department.

3       **H. Restitution.** It is AGREED that Respondent shall pay restitution to Pinnacle Capital  
4 Mortgage Corp. in the amount of \$75,000 pursuant to the terms of Final Order to Cease and Desist,  
5 Order Revoking Mortgage Loan Originator License, Ordering Restitution and Imposing Civil  
6 Penalties and Consent to Entry of Order No. M-14-0060, entered between Respondent and the State  
7 of Oregon Department of Consumer and Business Services on January 6, 2015.

8       **I. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the  
9 consent of any person or entity not a party to this Consent Order to take any action concerning their  
10 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent  
11 Order, this Consent Order does not limit or create any private rights or remedies against Respondent,  
12 limit or create liability of Respondent, or limit or create defenses of Respondent to any claims.

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

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

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

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1 **RESPONDENT:**

2 [REDACTED]  
3 ANDREW W. CASEBEER

2/22/16  
Date

4 DO NOT WRITE BELOW THIS LINE

5 THIS ORDER ENTERED THIS 17<sup>th</sup> DAY OF March, 2016.



11 [REDACTED]  
12  
13 CHARLES E. CLARK  
14 Director  
15 Division of Consumer Services  
16 Department of Financial Institutions

17 Presented by:

18 [REDACTED]  
19  
20 KENNETH J. SUGIMOTO  
21 Financial Legal Examiner

22 Approved by:

23 [REDACTED]  
24 STEVEN C. SHERMAN  
Enforcement Chief

CONSENT ORDER  
C-14-1588-16-C001  
ANDREW W. CASEBEER

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7 STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT

8 STATE OF WASHINGTON,  
9 DEPARTMENT OF FINANCIAL  
10 INSTITUTIONS,

11 Plaintiff,

12 v.

13 ANDREW W. CASEBEER,

14 Defendant.

NO.

CONFESSION OF JUDGMENT

*(Clerk's Action Required)*

15 Judgment Summary

16 Judgment Creditor:

State of Washington Department of Financial  
Institutions

17 Attorneys for Department of  
18 Financial Institutions:

Robert W. Ferguson, Washington Attorney General  
Ian S. McDonald, Assistant Attorney General

Judgment Debtor:

Andrew W. Casebeer

19 Principal Judgment Amount:

20 \$11,000.00 fine owed to the Department of  
Financial Institutions

21 Total Judgment Amount:

\$11,000.00

22 Post-Judgment Interest (per annum): 12%

23 Pursuant to Chapter 4.60 of the Revised Code of Washington, Judgment by Confession,  
24 Defendant Andrew W. Casebeer hereby authorizes entry of a judgment under the following  
25 terms:  
26



**Factual Basis for Judgment**

The State of Washington Department of Financial Institutions and Andrew W. Casebeer have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-14-1588-15-SC01 (Statement of Charges), entered June 30, 2015. Andrew W. Casebeer has agreed to enter into a Confession of Judgment, pursuant to chapter 4.60 RCW, in the amount of \$11,000.00 for payment of fines and at an interest rate of twelve percent, which shall be paid to the State of Washington Department of Financial Institutions.

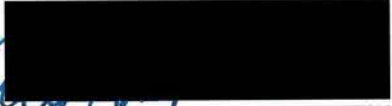
**Authorization for Entry of Judgment**

I, Andrew W. Casebeer, being duly sworn upon oath, acknowledge the debt of \$11,000.00 to the State of Washington Department of Financial Institutions. I authorize entry of judgment against me for the amount set forth in the judgment summary above and at an interest rate set forth in the judgment summary above.

DATED this 22<sup>nd</sup> day of February, 2016.

  
ANDREW W. CASEBEER, Defendant

SUBSCRIBED AND SWORN TO before me in Vancouver Washington this 22 day of Feb., 2016.

  
Notary Public in and for the State of Washington, residing at Vancouver Washington.  
My Commission expires January 15, 2018



Order for Entry

The above Confession of Judgment having been presented to this Court for entry in accordance with RCW 4.60.070, the Court having found said Confession of Judgment to be sufficient, now, therefore, it is hereby

ORDERED that the Clerk of this Court shall forthwith enter Judgment against Andrew W. Casebeer in accordance with the terms of the Confession of Judgment.

DONE IN OPEN COURT this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented by:

ROBERT W. FERGUSON  
Attorney General

\_\_\_\_\_  
Ian S. McDonald  
Assistant Attorney General  
WSBA No. 41403  
Attorneys for State of Washington  
Department of Financial Institutions

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**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:

ANDREW W. CASEBEER,  
Mortgage Loan Originator, NMLS #91565,

Respondent.

No. C-14-1588-15-SC01

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

**INTRODUCTION**

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). 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 and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges), the Director, through his designee, Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondent.** Andrew W. Casebeer (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage loan originator on or about February 8, 2010, and his license expired on or about January 1, 2015. Respondent was sponsored as a mortgage loan originator by Pinnacle Capital Mortgage Corp. (Pinnacle) between February 10, 2010, and October 20, 2014.

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1 **1.2 Prohibited Practices.**

2 **A. Consumer M.N.** In or about July 2014, Respondent discussed a residential mortgage  
3 loan application with Oregon consumer M.N. for residential property in Washington, and falsely  
4 advised consumer M.N. that a \$25,000 fee was required to lock in the interest rate on the loan. On or  
5 about July 22, 2014, consumer M.N. provided a cashier's check to Respondent in the amount of  
6 \$25,000 made payable to Northwest Mortgage Planners, and Respondent deposited the cashier's  
7 check into a bank account controlled by Respondent. No such fee was required to lock in the interest  
8 rate on the loan, the funds were not deposited into an account controlled by Pinnacle, and Respondent  
9 did not notify Pinnacle that he had received the funds. Respondent did not return the funds to  
10 consumer M.N. or send the funds to Pinnacle. Pinnacle paid consumer M.N. \$25,000 to compensate  
11 her accordingly.

12 **B. Consumers R.S. and K.S.** In or about August 2014, Respondent discussed a  
13 residential mortgage loan application with Washington consumers R.S. and K.S. for residential  
14 property in Oregon, and falsely advised consumers R.S. and K.S. that a \$50,000 fee was required to  
15 lock in the interest rate on the loan. On or about August 29, 2014, consumers R.S. and K.S. wired  
16 \$50,000 to a bank account controlled by Respondent. No such fee was required to lock in the interest  
17 rate on the loan, the funds were not deposited into an account controlled by Pinnacle, and Respondent  
18 did not notify Pinnacle that he had received the funds. Respondent did not return the funds to  
19 consumers R.S. and K.S. or send the funds to Pinnacle. Pinnacle paid consumers R.S. and K.S.  
20 \$50,000 to compensate them accordingly.

21 **C. State of Oregon Final Order.** On or about January 6, 2015, the State of Oregon,  
22 Department of Consumer and Business Services entered Final Order No. M-14-0060 (OR Order). On  
23 December 30, 2014, Respondent consented to the entry of the OR Order without admitting to the

1 allegations contained therein. The OR Order found, among other things, that Respondent engaged in  
2 the activity described in Paragraphs 1.2(A) and (B) of this Statement of Charges. The OR Order  
3 ordered, among other things, that Respondent's Oregon mortgage loan originator license be revoked,  
4 that Respondent pay restitution in the amount of \$75,000 to Pinnacle, and that Respondent pay a fine  
5 in the amount of \$25,000.

6 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the  
7 Act by Respondent continues to date.

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

9 **2.1 Defraud or Mislead.** Based on the Factual Allegations set forth in Section I above,  
10 Respondent is in apparent violation of RCW 31.04.027(1) for directly or indirectly employing any  
11 scheme, device, or artifice to defraud or mislead any person.

12 **2.2 Unfair or Deceptive Practice.** Based on the Factual Allegations set forth in Section I above,  
13 Respondent is in apparent violation of RCW 31.04.027(2) for directly or indirectly engaging in any  
14 unfair or deceptive practice toward any person.

15 **2.3 Obtain Property by Fraud or Misrepresentation.** Based on the Factual Allegations set  
16 forth in Section I above, Respondent is in apparent violation of RCW 31.04.027(3) for directly or  
17 indirectly obtaining property by fraud or misrepresentation.

## 18 **III. AUTHORITY TO IMPOSE SANCTIONS**

19 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(b), the Director may revoke a  
20 license for violating any provision of the Act or the rules adopted thereunder.

21 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6), the Director may  
22 issue an order prohibiting from participation in the affairs of any licensee, any officer, principal,  
23 employee, or any other person subject to the Act for suspension or revocation of a license to engage

1 in lending or residential mortgage loan servicing, or perform a settlement service related to lending or  
2 residential mortgage loan servicing, in this state or another state; or a violation of RCW 31.04.027.

3 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of  
4 up to one hundred dollars per day, per violation, upon the licensee, its employee or loan originator, or  
5 any other person subject to the Act for any violation of the Act.

6 **3.4 Authority to Order Restitution.** Pursuant to RCW 31.04.093(5), the Director may issue an  
7 order directing a licensee, its employee or loan originator, or any other person subject to the Act to  
8 make a refund or restitution to a borrower or other person who is damaged as a result of a violation of  
9 the Act.

10 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 31.04.145(3) every licensee  
11 examined or investigated by the Director or the Director's designee shall pay for the cost of the  
12 examination or investigation.

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

2 Respondent's violations of the provisions of chapter 31.04 RCW, as set forth in the above  
3 Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a  
4 basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and RCW 31.04.205.

5 Therefore, it is the Director's intention to ORDER that:

6 **4.1** Respondent Andrew W. Casebeer's mortgage loan originator license be revoked.

7 **4.2** Respondent Andrew W. Casebeer be prohibited from participation in the  
8 conduct of the affairs of any mortgage loan originator subject to licensure by the  
Director, in any manner.

9 **4.3** Respondent Andrew W. Casebeer pay a fine of \$10,000.

10 **4.4** Respondent Andrew W. Casebeer pay restitution totaling \$75,000, to Pinnacle Capital  
Mortgage Corp.

11 **4.5** Respondent Andrew W. Casebeer pay an investigation fee of \$6,000.

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24 STATEMENT OF CHARGES  
C-14-1588-15-SC01  
ANDREW W. CASEBEER


1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 31.04.093, RCW  
3 31.04.165, and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The  
4 Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in  
5 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
6 accompanying this Statement of Charges.


7 Dated this 30<sup>th</sup> day of June, 2015.

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9 CHARLES E. CLARK  
10 Director  
Division of Consumer Services  
Department of Financial Institutions

11 Presented by:

12   
13 KENNETH J. SUGIMOTO  
Financial Legal Examiner

14 Approved by:

15   
16 STEVEN C. SHERMAN  
Enforcement Chief