

### ORDER SUMMARY – Case Number: C-16-1854

Name(s): Destino Ferguson, Sr.  
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\_\_\_\_\_

Order Number: C-16-1854-16-FO01  
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Effective Date: May 11, 2016  
\_\_\_\_\_

License Number: NMLS No. 1367947  
Or NMLS Identifier [U/L] \_\_\_\_\_

License Effect: Application Denied  
\_\_\_\_\_  
\_\_\_\_\_

Not Apply Until: N/A  
\_\_\_\_\_

Not Eligible Until: N/A  
\_\_\_\_\_

Prohibition/Ban Until: N/A  
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<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input 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:  
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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF INVESTIGATING the  
Mortgage Loan Originator License Application  
under the Consumer Loan Act of Washington by:

No.: C-16-1854-16-FO01

FINAL ORDER

DESTINO FERGUSON, SR.,  
Mortgage Loan Originator, NMLS # 1367947,  
Respondent.

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On March 03, 2016, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (Statement of Charges) against Respondent Destino Ferguson, Sr. (Respondent). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated March 04, 2016, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Hearing for Respondent (collectively, accompanying documents).

On March 04, 2016, the Department served Respondent with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On March 07, 2016, the documents sent were delivered via Federal Express overnight delivery. The documents sent via First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondent did not request an adjudicative hearing within twenty calendar days after the  
2 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as  
3 provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for his review and  
5 for entry of a final decision included the Statement of Charges, cover letter dated March 04, 2016,  
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Hearing for  
7 Respondent, with documentation of service.

8 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the  
9 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

## 10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

14 Respondent Destino Ferguson, Sr.'s application for a license to conduct the business  
15 of a loan originator is denied.

16 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
17 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
18 must be filed in the Office of the Director of the Department of Financial Institutions by courier at  
19 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
20 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
21 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
22 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

7 D. Judicial Review. Respondent has the right to petition the superior court for judicial  
8 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for  
9 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

10 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial  
11 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
12 attached hereto.

13 DATED this 11<sup>th</sup> day of May, 2016.



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16 STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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[Redacted Signature]  
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CHARLES E. CLARK  
Director  
Division of Consumer Services

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

IN THE MATTER OF INVESTIGATING the  
Mortgage Loan Originator License Application  
under the Consumer Loan Act of Washington by:

DESTINO FERGUSON, SR.,  
Mortgage Loan Originator, NMLS # 1367947,  
Respondent.

No.: C-16-1854-16-SC01

STATEMENT OF CHARGES AND  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO DENY LICENSE  
APPLICATION

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**INTRODUCTION**

Pursuant to RCW 31.04.165 and RCW 31.04.168, 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).<sup>1</sup> After having conducted an investigation pursuant to  
RCW 31.04.055 and 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 Charles E.  
Clark, institutes this proceeding and finds as follows:

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**I. FACTUAL ALLEGATIONS**

15 **1.1 Destino Ferguson, Sr. (Respondent)** submitted an application to the Department of Financial  
16 Institutions of the State of Washington (Department) for a mortgage loan originator license under  
17 Michigan Mutual, Inc., a consumer loan company licensed under the Act. The license application  
18 was received by the Department, through the Nationwide Mortgage Licensing System and Registry,  
19 on or about October 7, 2015.

20 **1.2 Prior Criminal Acts.** On or about April 28, 1998, the Montana Thirteenth Judicial District  
21 Court, Yellowstone County, entered Respondent's guilty plea to a felony crime meeting the language  
22 of RCW 31.04.247(1)(d)(ii) and WAC 208-620-710(4)(c)(ii).

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<sup>1</sup> RCW 31.04 (Amended 2009; Effective January 1, 2010)

1 **1.3 On-Going Investigation.** The Department's investigation into the factual allegation  
2 continues to date.

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

4 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section  
5 I above, Respondent fails to meet the requirements of RCW 31.04.247(1)(d) and WAC 208-620-  
6 710(4)(c) by having pled guilty to a felony crime involving an act of dishonesty.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW  
9 31.04.247(2), the Director shall not issue a license if the conditions of RCW 31.04.247(1) have not  
10 been met by the applicant, and shall notify the applicant of the denial.

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

12 Respondent's failure to meet the applicable licensing requirements of chapter 31.04 RCW and  
13 chapter 208-620 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and  
14 Authority to Impose Sanctions, constitute a basis for the entry of an Order under RCW 31.04.055,  
15 RCW 31.04.093, RCW 31.04.165, RCW 31.04.168, and RCW 31.04.247. Therefore, it is the  
16 Director's intention to ORDER that:

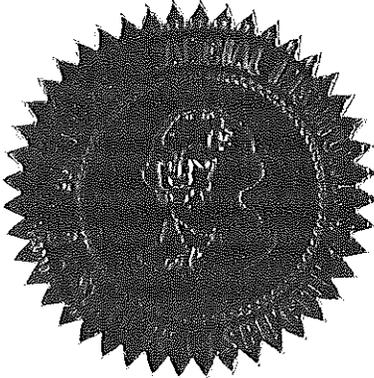
17 **4.1** Respondent Destino Ferguson, Sr.'s application for a mortgage loan originator license  
18 be denied.

19 **V. AUTHORITY AND PROCEDURE**

20 This Statement of Charges and Notice of Intention to Enter an Order to Deny License  
21 Application (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW  
22 31.04.165, RCW 31.04.168, and RCW 31.04.202, and is subject to the provisions of chapter 34.05  
23 RCW, the Administrative Procedure Act. Respondent may make a written request for a hearing as

1 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
2 accompanying this Statement of Charges.

3  
4 Dated this 3<sup>rd</sup> day of March, 2016.



5 [Redacted Signature]  
6  
7 CHARLES E. CLARK  
8 Director  
9 Division of Consumer Services  
10 Department of Financial Institutions

11 Presented by:  
12 [Redacted Signature]  
13 IGOR VOLOSHIN  
14 Financial Legal Examiner

15 Approved by:  
16 [Redacted Signature]  
17 STEVEN C. SHERMAN  
18 Enforcement Chief