

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**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:

MASON, INC., and
ANTWAN L. MASON-WEST, Owner and
Designated Broker,

Respondents.

NO. C-02-185-04-FO01

FINAL ORDER

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) pursuant to RCW 34.05.440(1). On March 10, 2004, the Director through her designee Consumer Services Division Director and Enforcement Chief Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit from Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference.

On April 15, 2004, after a failed attempt at service to the last address where the Department had successfully corresponded with Respondents, the Department served the Statement of Charges, cover letter dated April 15, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Mason, Inc. (Respondent Mason) and Antwan L. Mason-West (Respondent Mason-West), Owner and Designated Broker, on Respondents by sending packages containing the documents to 20128 SW Bernice Lane, Beaverton, Oregon 97007-5803 (Beaverton address) via Federal Express overnight delivery and by first class mail. On May 3, 2004, the documents sent via Federal Express overnight delivery were returned to the Department as undeliverable, as no

1 resident had been available to sign for the documents on three delivery attempts. The documents sent via
2 first class mail were not returned to the Department by the United States Post Office. On May 7, 2004,
3 the Department received confirmation from the Aloha Oregon Branch Office of the United States Post
4 Office that mail addressed to Respondent Mason-West was being delivered to the Beaverton address.

5 On April 22, 2004, after a failed attempt at service on Respondent Mason's Registered Agent at
6 the last address on file with the Director, the Department served the Statement of Charges, cover letter
7 dated April 22, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
8 Applications for Adjudicative Hearing for Respondent Mason and Respondent Mason-West, on
9 Respondent Mason's Registered Agent by sending a package containing the documents to 1128
10 Broadway, Longview, Washington 98632 (Longview address) via certified mail. On April 26, 2004, the
11 documents sent via certified mail were delivered to the Longview address. On April 15, 2004, as part of
12 the prior failed service attempt on Respondent Mason's Registered Agent at the last address on file with
13 the Director, the Department sent a package containing the documents and notice of service on the
14 Registered Agent to 9221 SW Barbor Blvd Ste 105, Portland, Oregon 97219 (the last address of
15 Respondent Mason on file with the director) via registered mail, as required by RCW 19.146.260. On
16 April 22, 2004, the documents sent via registered mail were returned to the Department by the United
17 States Post Office as undeliverable.

18 On July 6, 2004, the Department served the Statement of Charges, cover letter dated July 6, 2004,
19 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative
20 Hearing for Respondent Mason and Respondent Mason-West, on Respondents by sending packages
21 containing the documents to 7840 W. San Miguel Ave, Glendale, Arizona 85303 (Glendale address) via
22 Federal Express overnight delivery and by first class mail. On July 7, 2004, the documents sent via
23
24

1 Federal Express overnight delivery were left at the Glendale address without a signature in accordance
2 with a signature waiver Respondent Mason-West had on file with Federal Express. The documents sent
3 via first class mail were not returned to the Department by the United States Post Office. On July 20,
4 2004, the Department received confirmation from the Glendale Arizona Branch Office of the United
5 States Post Office that mail addressed to Respondent Mason-West was being delivered to the Glendale
6 address.

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

10
11 B. Record Presented. The record presented to the Director for her review and for entry of a
12 final decision included the Statement of Charges, cover letters dated April 15, 2004, April 22, 2004 and July
13 6, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, blank Applications for Adjudicative
14 Hearing for Mason, Inc. and Antwan L. Mason-West, Owner and Designated Broker, the Post Office
15 Address Verification Request form completed by the Aloha Oregon Branch Office of the United States Post
16 Office received by the Department on May 7, 2004, the Post Office Address Verification Request form
17 completed by the Glendale Arizona Branch Office of the United States Post Office received by the
18 Department on July 20, 2004, documentation of service, and memo to file regarding the Consumer Service
19 Division's service attempts.

20 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the Director
21 hereby adopts the Statement of Charges, which is attached hereto.

22 //
23 //

24 II. FINAL ORDER

1 Based upon the foregoing, and the Director having considered the record and being
2 otherwise fully advised, NOW, THEREFORE:

3 A. IT IS HEREBY ORDERED, That:

- 4 1. Respondent Mason, Inc.'s license to conduct the business of a Mortgage Broker is
5 revoked; and
- 6 2. Respondent Antwan L. Mason-West is prohibited from participation in the conduct
7 of the affairs of any licensed mortgage broker, in any manner, for a period of five (5)
8 years; and
- 9 3. Respondent Mason, Inc. and Respondent Antwan L. Mason-West shall jointly and
10 severally pay William Rogers \$400.00 for third-party services performed, and
11 provide the Department with evidence that such payment has been made; and
- 12 4. Respondent Mason, Inc. and Respondent Antwan L. Mason-West shall maintain
13 records in compliance with the Act and provide the Department with the location of
14 the books, records and other information relating to Respondent Mason, Inc.'s
15 mortgage broker business, and the name, address and telephone number of the
16 individual responsible for maintenance of such records in compliance with the Act.

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

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

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

4 D. Judicial Review. Respondents have the right to petition the superior court for judicial
5 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a
6 Petition for Judicial Review, see RCW 34.050.510 and sections following.

7
8 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
9 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

10 DATED this 9th day of March, 2005.

11
12 STATE OF WASHINGTON
13 DEPARTMENT OF FINANCIAL INSTITUTIONS

14
15 /S/
16 _____
17 GLORIA PAPIEZ
18 Acting Director