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

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

NO. C-07-034-09-CO01

PENNY LEE TOBACCO,
aka PENNY LEE KANZLER,
aka PENNY SOUZA,

CONSENT ORDER

Respondent.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Penny Lee Tobacco (hereinafter Respondent), and finding that the issues raised in the 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 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-07-034-07-SC01 (Statement of Charges), entered December 28, 2007, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices 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.

Based upon the foregoing:

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

CONSENT ORDER
C-07-034-09-CO01
Penny Lee Tobacco

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

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

5 **C. License Application Withdrawal.** It is AGREED that Respondent's application for a loan originator
6 license is deemed withdrawn.

7 **D. Prohibition from Industry.** It is AGREED that Respondent is prohibited from participating in the
8 conduct of the affairs of any mortgage broker licensed by the Department or any mortgage broker subject to
9 licensure or regulation by the Department for twenty years from the date of entry of this Consent Order in any
10 capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer,
11 director, principal, designated broker, employee, or loan originator or (3) any management, control, oversight or
12 maintenance of any trust account(s) in any way related to any residential mortgage transaction or (4) receiving,
13 disbursing, managing or controlling in any way, consumer trust funds in any way related to any residential
14 mortgage transaction.

15 **E. Application for License.** It is AGREED that Respondent shall not apply to the Department for any
16 license under any name for a period of twenty years from the date of entry of this Consent Order. It is further
17 AGREED that, should Respondent apply to the Department for any license under any name at any time later than
18 twenty years from the date of entry of this Consent Order, Respondent shall be required to meet any and all
19 application requirements in effect at that time.

20 **F. Declaration of Financial Condition and Confession of Judgment.** It is AGREED that Respondent
21 has provided the Department with a Declaration comprehensively describing her current financial condition and
22 representing her current inability to pay the investigation fee obligation agreed to in Paragraph G of this Consent
23 Order. It is further AGREED that, based on this Declaration, the Department has accepted a Confession of
24 Judgment from Respondent for the investigation fee obligation agreed to in Paragraph G of this Consent Order. A

1 copy of this Confession of Judgment is attached and incorporated into this Consent Order by this reference.
2 Consistent with Chapter 4.60 of the Revised Code of Washington, the Department may immediately seek entry of
3 the judgment. Respondent shall, upon the Department's request, fully and promptly cooperate with the
4 Department in its efforts to get the judgment entered by the superior court.

5 **G. Confession of Judgment for Investigation Fee.** It is AGREED that Respondent has entered into a
6 Confession of Judgment for an investigation fee in the amount of \$8,496 owed to the Department.

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

11 **I. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
12 this Consent Order, which is effective when signed by the Director's designee.

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

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1 **RESPONDENT:**

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Penny Lee Tobacco
Penny Lee Tobacco

8-14-09

Date

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DO NOT WRITE BELOW THIS LINE

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THIS ORDER ENTERED THIS 17th DAY OF August, 2009.

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Deborah Bortner

DEBORAH BORTNER

Director

Division of Consumer Services

Department of Financial Institutions

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Presented by:

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Mark T. Olson

MARK T. OLSON
Financial Examiner

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Approved by:

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James R. Brusselback
JAMES R. BRUSSELBACK
Enforcement Chief

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CONSENT ORDER
C-07-034-09-CO01
Penny Lee Tobacco

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

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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF FINANCIAL
INSTITUTIONS,

Plaintiff,

v.

PENNY LEE TOBACCO,

Defendant.

NO.
CONFESSION OF JUDGMENT

Judgment Summary

Judgment Creditor:	State of Washington, Department of Financial Institutions
Attorneys for Department of Financial Institutions:	Robert M. McKenna, Washington Attorney General Chad C. Standifer, Assistant Attorney General
Judgment Debtor:	Penny Lee Tobacco
Principal Judgment Amount for Cost of Investigation:	\$8,496.00 owed to the Department of Financial Institutions
Total Judgment Amount:	\$8,496.00
Post-Judgment Interest (per annum):	12%

1 Pursuant to Chapter 4.60 of the Revised Code of Washington, Judgment by Confession,
2 defendant Penny Lee Tobacco hereby authorizes entry of a judgment under the following
3 terms:

4 **Factual Basis for Judgment**

5 The State of Washington, Department of Financial Institutions and Penny Lee Tobacco
6 have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-
7 034-07-SC01 (Statement of Charges), entered December 28, 2007. Penny Lee Tobacco has
8 agreed to enter into a Confession of Judgment, pursuant to Chapter 4.60 RCW, in the amount
9 of \$8,496.00, which she shall pay to the Department of Financial Institutions for the cost of its
10 investigation.

11 **Authorization for Entry of Judgment**

12 I, Penny Lee Tobacco, being duly sworn upon oath, acknowledge my debt of \$8,496.00
13 to the Department of Financial Institutions and I authorize entry of judgment against me for the
14 amount set forth in the judgment summary above.

15 DATED this 14 day of Aug, 2009.

16 Penny Lee Tobacco
17 Penny Lee Tobacco

18 SUBSCRIBED AND SWORN TO before me in 4th Benton Washington this
19 14th day of August, 2009.



E. L. Anderson
E. L. Anderson
Notary Public in and for the State of
Washington, residing at Renton
Washington.
My Commission expires: 1-9-10

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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 Penny Lee Tobacco, in accordance with the terms of the Confession of Judgment.

DONE IN OPEN COURT this ___ day of _____, 2009.

JUDGE/COURT COMMISSIONER

Presented by:

ROBERT M. MCKENNA
Attorney General

CHAD C. STANDIFER
Assistant Attorney General
WSBA No. 29724
Attorneys for State of Washington
Department of Financial Institutions