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

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

BRIAN DALE HAMMER,

Respondent.

NO. C-07-364-07-SC01

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

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INTRODUCTION

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 (Act)¹. After having conducted an investigation pursuant to RCW 19.146.310, 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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I. FACTUAL ALLEGATIONS

1.1 BRIAN DALE HAMMER (Respondent Hammer) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Abacus Mortgage, Inc, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about June 1, 2007.

1.2 Prior Criminal Acts. On or about July 10, 2000, the Alexander County Superior Court in the State of North Carolina, issued a warrant for Respondent Hammer's arrest for failure to appear in court for his next scheduled hearing. Respondent Hammer was being held on charges of felony possession of controlled substances and felony probation violation. Respondent Hammer currently has an active warrant for his arrest out of Alexander County Superior Court, in the State of North Carolina.

¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

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

2 **2.1 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
3 forth in Section I above, Respondent Hammer fails to meet the requirements of RCW 19.146.310(1)(g) and
4 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the
5 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
6 within the purposes of the Act.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
9 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
10 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
11 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
12 of the denial.

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

14 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
15 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
16 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.
17 Therefore, it is the Director's intention to ORDER that:

18 **4.1** Respondent BRIAN DALE HAMMER's application for a loan originator license be denied.

19 **V. AUTHORITY AND PROCEDURE**

20 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
21 (Statement of Charges) is issued pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
22 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative
23 Procedure Act). Respondent may make a written request for a Brief Adjudicative Proceeding as set forth in the
24 NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE
25 PROCEEDING accompanying this Statement of Charges.

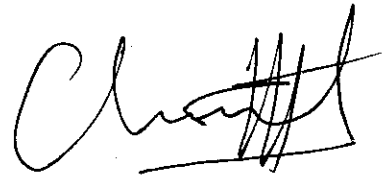
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Dated this 9th day of October, 2007



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

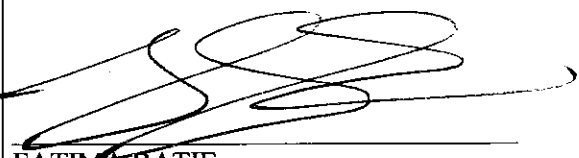
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