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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  
Mortgage Broker Practices Act of Washington by:

NO. C-08-115-09-CO01

FLEET HOME MORTGAGE dba FLEET HOME  
LOANS, and MICHAEL NORMAN BURNS,  
President, Owner and Designated Broker, and  
PETER ALEXANDER WHITNEY, Loan  
Originator,

CONSENT ORDER FOR  
FLEET HOME MORTGAGE and  
MICHAEL NORMAN BURNS

Respondents.

10 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee  
11 Deborah Bortner, Division Director, Division of Consumer Services, and Fleet Home Mortgage dba Fleet Home  
12 Loans (hereinafter Respondent Fleet), and Michael Norman Burns, President, Owner, and Designated Broker  
13 (hereinafter Respondent Burn), and finding that the issues raised in the captioned matter may be economically and  
14 efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter  
15 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based  
16 on the following:

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**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents  
have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-08-115-08-SC01  
(Statement of Charges), entered December 4, 2008, (copy attached hereto). Pursuant to chapter 19.146 RCW, the  
Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents  
hereby agree to the Department's entry of this Consent Order and further agree 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.

CONSENT ORDER  
C-08-115-09-CO01  
FLEET HOME MORTGAGE dba FLEET HOME  
LOANS, and MICHAEL NORMAN BURNS

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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 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing  
5 before an administrative law judge, and that they hereby waive their 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 herein.  
7 Accordingly, Respondents agree to withdraw their appeal and to inform the Office of Administrative Hearings in  
8 writing of their withdrawal.

9 C. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$4,000, in the form of a  
10 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

11 D. **Restitution.** It is AGREED that prior to the entry of this Consent Order, Respondents paid restitution  
12 to the consumers identified in the attached Restitution Schedule. Such payments were made in the form of a  
13 check and were sent to borrowers' last known address via the United States mail. Respondents included a letter  
14 with each check notifying the borrower that the check was a refund and that the borrower had 30 days to cash  
15 the check or the refund amount would be provided to the State Department of Revenue as unclaimed property.  
16 Respondents provided the Department with a signed affidavit attesting to mailing the checks, and a copy of the  
17 checks mailed (each with the accompanying explanatory cover letter). All checks that were not returned as  
18 undeliverable, but were not cashed within 30 days of mailing, were immediately turned over to the State  
19 Department of Revenue, pursuant to Department of Revenue procedures, as unclaimed property. A list of such  
20 checks was provided to the Department. Further, Respondents notified the Department of all checks that were  
21 returned as undeliverable, and the Department attempted to locate a current address. Upon notification by the  
22 Department that no new address was available, Respondents immediately sent the refund amounts to the State  
23 Department of Revenue, pursuant to Department of Revenue procedures, as unclaimed property. As noted

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1 above, pursuant to the attached Restitution Schedule, Respondents provided refunds to the consumers  
2 referenced in paragraph 1.9 of the Statement of Charges.

3 **E. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee  
4 of \$748.80, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
5 Consent Order.

6 **F. Declaration of Financial Condition and Confession of Judgment.** It is AGREED that Respondent  
7 Burns has provided the Department with a Declaration comprehensively describing his and Respondent Fleet's  
8 current financial condition and representing their current inability to pay the fine and investigation fees and  
9 obligations agreed to in Paragraphs C and E of this Consent Order. It is further AGREED that, based on this  
10 Declaration, the Department has accepted a Confession of Judgment from Respondent Burns and Respondent  
11 Fleet for the obligations agreed to in Paragraph C and E of this Consent Order. A copy of this Confession of  
12 Judgment is attached and incorporated into this Consent Order by this reference. Consistent with Chapter 4.60 of  
13 the Revised Code of Washington, the Department may immediately seek entry of the judgment. Respondent  
14 Burns and Respondent Fleet shall, upon the Department's request, fully and promptly cooperate with the  
15 Department in its efforts to get the judgment entered by the superior court.

16 **G. Confession of Judgment.** It is AGREED that Respondents have entered into a Confession of  
17 Judgment for a fine of \$4,000 (paragraph C above), and an investigation fee of \$748.80 (paragraph E above).

18 **H. Complete Cooperation with the Department and the Office of the Attorney General.** It is  
19 AGREED that Respondent Burns shall cooperate fully, truthfully and completely with the Department and the  
20 Office of Attorney General and provide any and all information known to him relating in any manner to Peter  
21 Alexander Whitney conducting or engaging in the business of a loan originator while working at Fleet Home  
22 Mortgage dba Fleet Home Loans. It is further AGREED that Respondent Burns shall provide any and all  
23 documents, writings, materials, objects or evidence of any kind in his possession or under his care, custody, or  
24 control that he is authorized to possess, obtain, or distribute relating directly or indirectly to all areas of inquiry

1 and investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is  
2 further AGREED that Respondent Burns shall testify fully, truthfully and completely at any proceeding related  
3 to the Department's investigation and enforcement actions related to this matter, including, but not limited to  
4 Peter Alexander Whitney.

5 I. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and  
6 warranted that they have the full power and right to execute this Consent Order on behalf of the parties  
7 represented.

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

12 K. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into  
13 this Consent Order, which is effective when signed by the Director's designee.

14 L. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this  
15 Consent Order in its entirety and fully understand and agree to all of the same.

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17 **RESPONDENTS:**  
18 FLEET HOME MORTGAGE dba FLEET HOME LOANS,  
19 and MICHAEL NORMAN BURNS

20   
MICHAEL NORMAN BURNS  
President and Owner

8/5/09  
Date

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MICHAEL NORMAN BURNS  
23 Individually

8/5/09  
Date

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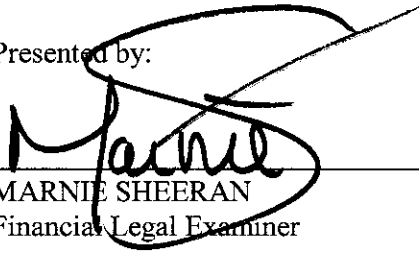
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THIS ORDER ENTERED THIS 30<sup>th</sup> DAY OF September, 2008.



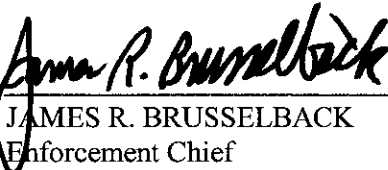
DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:



MARNIE SHEERAN  
Financial Legal Examiner

Approved by:



JAMES R. BRUSSELBACK  
Enforcement Chief



## Restitution Schedule- Burns

Name	Loan Number	Refund Amount
A.C.	1107050901	\$1,664.17
J.C	0000685222	\$1,100.50
S.C.	0203394572 and 0203402102	\$1,046.50
M.R.	4700009962	\$674.99
G.G.	40882168 and 6400027118	\$2,080.03
K.H.	3014611002	\$587.75
C.Y.	40885949	\$1,248.10
<b>TOTAL=</b>		<b>\$8,402.04</b>