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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-08-164-08-SC01

STEINHAUER FINANCIAL, LLC,
TRUDY A. STEINHAUER, 50% Owner and
Designated Broker, and
DOUGLAS A. STEINHAUER, 50% Owner,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, PROHIBIT
FROM INDUSTRY, IMPOSE FINE, ORDER
RESTITUTION, AND COLLECT
INVESTIGATION FEE

Respondents.

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 examination and investigation pursuant to RCW 19.146.235, 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:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Steinhauer Financial, LLC (Steinhauer Financial)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on August 29, 2003, and has continued to be licensed to date. Respondent Steinhauer Financial is licensed to conduct the business of a mortgage broker at one location at 1350 Thornton Avenue, Pacific, Washington.

¹ RCW 19.146 (1994) OR (2006) OR both

1 **B. Trudy A. Steinhauer (Trudy Steinhauer)** is 50% owner and Designated Broker of
2 Steinhauer Financial, LLC. Respondent Trudy Steinhauer was named Designated Broker of
3 Respondent Steinhauer Financial on October 11, 2006, and has continued as Designated Broker to date.

4 **C. Douglas A. Steinhauer (Douglas Steinhauer)** is 50% owner of Steinhauer Financial,
5 LLC. Respondent Douglas Steinhauer was Designated Broker for Respondent Steinhauer Financial
6 from August 29, 2003, to October 11, 2007. On or about May 2, 2008, Respondent Douglas
7 Steinhauer submitted to the Department a Form MU4 and a fingerprint card as part of an application
8 for a license to conduct business as a loan originator, but to date Respondent Douglas Steinhauer has
9 not filed the required application or paid the required fee for a loan originator license.

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11 **1.2 Examination.** On or about February 29, 2008, the Department examined Respondents'
12 business practices. The Department's examiners reviewed eleven residential mortgage loan files.

13 **1.3 Unlicensed Activity.** Between February 1, 2007, and November 30, 2007, Respondents
14 assisted at least seven borrowers in applying for and obtaining residential mortgage loans on property
15 located in the State of Washington utilizing the services of two unlicensed loan originators; Deazmond
16 Paul Learner and Respondent Douglas Steinhauer. The borrowers involved in these residential
17 mortgage loans paid fees to Respondent Steinhauer Financial totaling \$59,158.70.

18 **1.4 Failure to Maintain or Provide Records.** During the course of the Department's
19 examination, the Department's examiners requested Respondents' most recent un-audited financial
20 statements. Respondents did not provide this documentation to the examiners.

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22 **1.5 Failure to Provide Rate Lock Disclosures.** In seven residential mortgage loans, there was
23 either no initial rate lock disclosure or a rate lock disclosure had not been completed.

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1 **1.6 Failure to Provide Notice of Rate Lock.** In four residential mortgage loans, Respondents
2 locked the borrower's interest rate with the lender but failed to provide the borrower with written
3 notice of the rate lock.

4 **1.7 Failure to Provide Timely Truth in Lending and Good Faith Estimate Disclosures.** In two
5 residential mortgage loans, Respondents did not provide initial Truth in Lending and Good Faith
6 Estimate disclosures within three business days of receiving a borrower's application.

7 **1.8 Failure to Provide Accurate Truth in Lending Disclosures.** In nine residential mortgage
8 loans, the bottom portion of the Truth in Lending disclosure was not completed. Additionally, in two
9 of these loans the payment stream was inaccurate.

10 **1.9 Failure to Provide Accurate Good Faith Estimate Disclosures.** In two residential mortgage
11 loans, Respondents did not specify on the initial Good Faith Estimate disclosure those fees which
12 inured to the benefit of the mortgage broker. Additionally, in four residential mortgage loans the
13 processing fees were paid to "Lexus Processing," which is a trade name used by Respondents' in-
14 house processing unit. Respondent did not disclose on the initial Good Faith Estimate that these fees
15 inured to the benefit of the mortgage broker.

16 **1.10 Failure to Provide Adjustable Rate Loan Program Disclosures.** In two residential
17 mortgage loans, Respondents did not provide a loan program disclosure identifying the terms of an
18 adjustable rate mortgage.

19 **1.11 Failure to Provide Written Notice Regarding Borrower Paid Services.** In eleven
20 residential mortgage loans, Respondents did not provide written notice to the borrowers that if the
21 borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a
22 written request by the borrower, provide to the borrower copies of any appraisal, title report, or credit
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1 report paid for by the borrower; and transmit the appraisal, title report, or credit report to any other
2 mortgage broker or lender to whom the borrower directs the documents be sent.

3 **1.12 Failure to Maintain Funds for Payment of Third-Party Providers in Trust.** In two
4 residential mortgage loans, the Final HUD-1 indicates Respondents received funds from escrow for
5 payment of third-party services, but deposited the funds into Respondents' general account instead of
6 a trust account, thereby commingling trust funds with operating funds.

7 **1.13 Failure to Disclose Loan Originator License Number.** In eleven residential mortgage loans,
8 the loan originator's license number was omitted from the residential mortgage application.
9 Additionally, Respondents did not include the loan originator's license number on business cards.

10 **1.14 Failure to Register Trade Name.** In four residential mortgage loans, the Final HUD-1
11 identified a processing fee paid to Lexus Processing. Lexus Processing is a trade name used by
12 Respondents' in-house processing Department. To date, Respondent has not registered this trade
13 name with the Department.
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15 **1.15 On-Going Investigation.** The Department's investigation into the alleged violations of the
16 Act by Respondents continues to date.

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

18 **2.1 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
19 Allegations set forth in Section I above, Respondents are in apparent violation of RCW
20 19.146.0201(2) and (3), RCW 19.146.200(1), and WAC 208-660-350(3) for engaging in the business
21 of a loan originator without first obtaining and maintaining a license under the Act.
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23 **2.2 Requirement to Maintain Accurate and Current Books and Records.** Based on the Factual
24 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.060(2)
25 and WAC 208-660-450(d) for failing to make accurate and current books and records readily available

1 to the Department until at least twenty-five months have elapsed following the effective period to
2 which the books and records relate.

3 **2.3 Requirement to Provide Rate Lock Disclosures.** Based on the Factual Allegations set forth
4 in Section I above, Respondents are in apparent violation of RCW 19.146.0201(2), (6), and (15), RCW
5 19.146.030(2)(c), WAC 208-660-430(1) and (3), and WAC 208-660-500(a) and (w) for failure to
6 disclose, where applicable, the cost, terms, duration, and conditions of a lock-in agreement and
7 whether a lock-in agreement has been entered, and whether the lock-in agreement is guaranteed by the
8 mortgage broker or lender, and if a lock-in agreement has not been entered, disclosure in a form
9 acceptable to the Director that the disclosed interest rate and terms are subject to change.

10
11 **2.4 Requirement to Provide Notice of Rate Lock.** Based on the Factual Allegations set forth in
12 Section I above, Respondents are in apparent violation of RCW 19.146.0201(2), (6), and (15), RCW
13 19.146.030(3), WAC 208-660-430(1) and (5), and WAC 208-660-500(a) and (w) for failure to notify a
14 borrower in writing within three business days that a lock-in agreement has been entered into.

15 **2.5 Requirement to Provide Timely Disclosures.** Based on the Factual Allegations set forth in
16 Section I above, Respondents are in apparent violation of RCW 19.146.0201(2), (6), (11), and (15),
17 RCW 19.146.030(1) and (2), WAC 208-660-430(1) and (2), and WAC 208-660-500(a), (s), and (w)
18 for failing to provide Truth in Lending and Good Faith Estimate disclosures within three business days
19 of receiving an application from a borrower.

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21 **2.6 Requirement to Provide Accurate Truth in Lending Disclosures.** Based on the Factual
22 Allegations set forth in Section I above, Respondents are in apparent violation of RCW
23 19.146.0201(2), (6), (11), and (15), RCW 19.146.030(2), WAC 208-660-430(1) and (3), and WAC
24 208-660-500(a), (s), and (w) for failing to provide accurate Truth in Lending disclosures.

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1 **2.7 Requirement to Provide Accurate Good Faith Estimate Disclosures.** Based on the Factual
2 Allegations set forth in Section I above, Respondents are in apparent violation of RCW
3 19.146.0201(2), (6), (11), (13), and (15), RCW 19.146.030(1), WAC 208-660-430(1) and (2), and
4 WAC 208-660-500(a), (s), and (w) for failing to provide accurate Good Faith Estimate disclosures.

5 **2.8 Requirement to Provide Adjustable Rate Loan Program Disclosures.** Based on the Factual
6 Allegations set forth in Section I above, Respondents are in apparent violation of RCW
7 19.146.0201(2), (6), (11), and (15), RCW 19.146.030(2)(a), WAC 208-660-430(1) and (3), and WAC
8 208-660-500(a), (s), and (w) for failing to provide adjustable rate loan program disclosures.

9 **2.9 Requirement to Provide Written Notice Regarding Borrower Paid Services.** Based on the
10 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW
11 19.146.0201(2), (6), (11), and (15), RCW 19.146.030(2)(d), WAC 208-660-430(1) and (3), and WAC
12 208-660-500(a), (s), and (w) for failing to provide written notice to the borrowers that if the borrower
13 is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written
14 request by the borrower, provide to the borrower copies of any appraisal, title report, or credit report
15 paid for by the borrower; and transmit the appraisal, title report, or credit report to any other mortgage
16 broker or lender to whom the borrower directs the documents be sent.

17 **2.10 Requirement to Maintain Funds from Borrower for Payment of Third-Party Providers in**
18 **Trust.** Based on the Factual Allegations set forth in Section I above, Respondents are in apparent
19 violation of RCW 19.146.050(1) and WAC 208-660-410 for failing to deposit funds received from a
20 borrower or on behalf of a borrower for payment of third-party provider services in a trust account of a
21 federally insured financial institution located in this state, prior to the end of the third business day
22 following receipt of such monies, and for commingling operating funds with trust account funds.
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1 **2.11 Requirement to Disclose Loan Originator License Number.** Based on the Factual
2 Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660-
3 350(26) for failing to include loan originator license numbers on loan applications and business cards.

4 **2.12 Requirement to Register Trade Name.** Based on the Factual Allegations set forth in Section
5 I above, Respondents are in apparent violation of RCW 19.146.0201(2), RCW 19.146.250(1), and
6 WAC 208-660-180(9) for failing to obtain the Department's approval before using a trade name.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Responsibility for Loan Originator's Violations.** Pursuant to RCW 19.146.245 and WAC
9 208-660-155(3), a licensed mortgage broker is liable for any conduct violating the Act by the
10 designated broker or a loan originator employed or engaged by the licensed mortgage broker.
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12 Pursuant to RCW 19.146.200(4)(a) and (b), a designated broker or principal of a licensed mortgage
13 broker is liable for an employee's violations of the Act if the designated broker or principal directs or
14 instructs the conduct, or with knowledge of the specific conduct approves or allows the conduct, or
15 knows or by the exercise of reasonable care and inquiry should have known of the conduct at a time
16 when its consequences can be avoided or mitigated and fails to take reasonable remedial action.

17 **3.2 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(e), the Director may revoke a
18 license for any violation of the Act.

19 **3.3 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5), the Director may
20 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
21 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
22 mortgage broker or any person subject to licensing under the Act for any violation of RCW
23 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, or RCW 19.146.200.
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1 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), the Director may impose a fine
2 for any violation of the Act..

3 **3.5 Authority to Order Restitution.** Pursuant to RCW 19.146.220(e), the Director may issue orders
4 directing a licensee or other person subject to the Act to pay restitution for any violation of the Act.

5 **3.6 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
6 550, the Department may collect the costs of any investigation of the books and records of a licensee or
7 other person subject to the Act. The investigation charge will be calculated at the rate of forty-eight
8 dollars per hour that each staff person devoted to the investigation.
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10 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

15 **4.1** Respondent Steinhauer Financial, Inc.'s license to conduct the business of a mortgage broker be
16 revoked; and

17 **4.2** Respondent Trudy A. Steinhauer be prohibited from participation in the conduct of the affairs of
18 any mortgage broker subject to licensure by the Director, in any manner, for a period of five
years; and

19 **4.3** Respondent Douglas A. Steinhauer be prohibited from participation in the conduct of the affairs
20 of any mortgage broker subject to licensure by the Director, in any manner, for a period of five
years; and

21 **4.4** Respondents Steinhauer Financial, Inc., Trudy A. Steinhauer, and Douglas A. Steinhauer jointly
22 and severally pay a fine which as of the date of these charges totals \$10,000; and

23 **4.5** Respondents Steinhauer Financial, Inc., Trudy A. Steinhauer, and Douglas A. Steinhauer jointly
24 and severally pay restitution in the aggregate amount of \$59,158.70 to the borrowers more
specifically set forth in the appended Restitution Schedule; and
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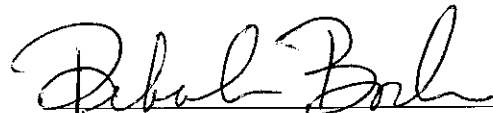
1 4.6 Respondents Steinhauer Financial, Inc., Trudy A. Steinhauer, and Douglas A. Steinhauer jointly
2 and severally pay an investigation fee which as of the date of these charges totals \$816, calculated
at \$48 per hour for the seventeen staff hours devoted to the investigation to date ; and

3 4.7 Respondents maintain records in compliance with the Act and provide the Department with the
4 location of the books, records and other information relating to Respondent's mortgage broker
5 business, and the name, address and telephone number of the individual responsible for
maintenance of such records in compliance with the Act.

6 **V. AUTHORITY AND PROCEDURE**

7 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License,
8 Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of
9 Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
10 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The
11 Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in
12 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
13 accompanying this Statement of Charges.

14 Dated this 4th day of June, 2008.

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16 DEBORAH BORTNER
17 Director
18 Division of Consumer Services
Department of Financial Institutions

19 Presented by:

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21 STEVEN C. SHERMAN
Financial Legal Examiner

22 Approved by:

23 

24 JAMES R. BRUSSELBACK
25 Enforcement Chief



1 **RESTITUTION SCHEDULE**

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BORROWER	LOAN NUMBER	AMOUNT
C.T.	393000170	\$ 5,975.70
E.W.	128398689	\$12,465.00
A.Z.	126565014	\$15,024.75
K.B.	40793859	\$ 9,495.06
J.M.	EW72095	\$ 5,277.70
S.N.	4001517125	\$ 5,460.49
C.S.	4701371678	\$ 5,640.00
TOTAL		\$59,158.70