



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

WALDEN MORTGAGE LLC, AND  
DAVID A. WALDEN, Principal Owner and  
Designated Broker,  
Respondents.

NO. C-08-201-09-FO01

FINAL ORDER FOR  
DAVID A. WALDEN

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.464. On July 21, 2008, the Director, through his designee Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated July 22, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Walden Mortgage LLC and David A. Walden. The Department served the Statement of Charges, cover letter dated July 22, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Walden Mortgage LLC and David A. Walden on Respondents on July 22, 2008, by First-Class mail and Federal Express overnight delivery.

1 On August 28, 2008, Respondent David A. Walden filed an Application for Adjudicative  
2 Hearing. On November 14, 2008, the Department made a request to the Office of Administrative  
3 Hearings (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on  
4 the Statement of Charges. OAH assigned ALJ Todd Gay (ALJ Gay) to preside over prehearing and  
5 hearing proceedings and issue an Initial Decision. On November 21, 2008, the Attorney General of  
6 Washington, through Assistant Attorney General Chad Standifer, filed a Notice of Appearance on  
7 behalf of the Department of Financial Institutions. On December 2, 2008, ALJ Gay issued a Notice of  
8 Prehearing Conference by Telephone scheduling a prehearing conference on Tuesday, December 23,  
9 2008, at 9:00 a.m.

11 On December 24, 2008, ALJ Gay issued a second Notice of Prehearing Conference by  
12 Telephone scheduling a prehearing conference on January 12, 2009, at 9:35 a.m.

13 On January 12, 2009, all parties attended a telephonic prehearing conference. On February 17,  
14 2009, ALJ Gay issued an Initial Order of Dismissal Without Prejudice. This Order was entered by  
15 stipulation of the parties and the belief that the matter would settle short of a formal administrative  
16 hearing. The Order was entered to allow Respondent David A. Walden time to make payments on an  
17 agreed financial component of the settlement.

18 Respondent David A. Walden failed to comply with the proposed settlement terms. As a  
19 result, ALJ Gay issued another Notice of Prehearing Conference by Telephone scheduling a prehearing  
20 conference on June 3, 2009, at 9:30 a.m. Respondent David A. Walden failed to appear at the  
21 prehearing conference on June 3, 2009. At the request of Assistant Attorney General Chad Standifer,  
22 ALJ Gay issued an Order of Dismissal by Default on June 22, 2009, dismissing the case by default due  
23 to Respondent David A. Walden's failure to appear for the prehearing conference.  
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1 On June 22, 2009, ALJ Gay mailed the Order of Dismissal by Default to Respondent David A.  
2 Walden.

3 Pursuant to RCW 34.05.440, Respondent David A. Walden had seven (7) days from the date  
4 of service of the Order of Dismissal by Default to file a Motion to Vacate the Dismissal by Default.  
5 Respondent David A. Walden did not file a Motion to Vacate during the statutory period.  
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7 B. Record Presented. The record presented to the Director for his review and for entry of  
8 a final decision included the following:

- 9 1. Statement of Charges, cover letter dated July 22, 2008, Notice of Opportunity to  
10 Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing  
11 for David A. Walden, with documentation of service;  
12 2. Completed Application for Adjudicative Hearing for David A. Walden;  
13 3. Notices of Prehearing Conference by Telephone dated December 2, 2008, and  
14 December 24, 2008, with documentation of service;  
15 4. Initial Order of Dismissal Without Prejudice

16 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director  
17 hereby adopts the Statement of Charges, which is attached hereto.

## 18 II. FINAL ORDER

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

21 A. IT IS HEREBY ORDERED, That:

- 22 1. Respondent David A. Walden pay a fine of \$1,400;  
23 2. Respondent David A. Walden pay an investigation fee of \$480; and  
24 3. Respondent David A. Walden pay a penalty equivalent to the amount of fees earned  
25 from conducting unlicensed business between January 1, 2008, and January 14, 2008.

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

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

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

14           D.     Judicial Review.       Respondents have the right to petition the superior court for  
15 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements  
16 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

17           E.     Non-compliance with Order. If you do not comply with the terms of this order, the  
18 Department may seek its enforcement by the Office of Attorney General to include the collection of the  
19 fines, fees, and penalty imposed herein.  
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1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
2 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
3 attached hereto.

4 DATED this 27<sup>th</sup> day of August, 2009.

5 STATE OF WASHINGTON  
6 DEPARTMENT OF FINANCIAL INSTITUTIONS

7  
8   
9 SCOTT JARVIS  
10 DIRECTOR

