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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:

MICHAEL CHRISTOPHER CASE,
Respondent.

NO. C-08-214-08-FO01

FINAL ORDER

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I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), pursuant to RCW 34.05.440(2). On June 30, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and Prohibit from Industry (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 June 30, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated June 30, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent Michael Christopher Case (Respondent Case) on June 30, 2008, by first class mail and Federal Express overnight delivery.

On July 18, 2008, Respondent Case filed an Application for Adjudicative Hearing. On July 22, 2008, the Department submitted a request to the Office of Administrative Hearings (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. On August 13, 2008, ALJ Julie K. Emmal (ALJ Emmal) issued a Notice of Prehearing

1 Conference scheduling a prehearing conference on August 28, 2008, at 1:00 p.m. That Notice
2 contained the following instruction to the parties: "Both the Department and the Appellant shall
3 register an appearance on the day of hearing." That Notice also noted, "If the Appellant fails to call in
4 and register an appearance, a default or dismissal may be entered."

5 On August 28, 2008, Respondent Case failed to appear for the prehearing conference. ALJ
6 Emmal issued an Order of Dismissal Due to Respondent Default. On September 15, 2008, OAH
7 mailed the Order of Dismissal Due to Respondent Default to Respondent Case.

8 Pursuant to RCW 34.05.440(3), Respondent Case had seven (7) days from the date of
9 service of the Order of Dismissal Due to Respondent Default to file a written motion with OAH
10 requesting that the Order of Dismissal Due to Respondent Default be vacated, and stating the grounds
11 relied upon. Respondent Case did not make a request to vacate during the statutory period.

12 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent Case had twenty (20) days from the
13 date of service of the Order of Dismissal Due to Respondent Default to file a Petition for Review of
14 the Order of Dismissal Due to Respondent Default with the Director. Respondent Case did not file a
15 Petition for Review during the statutory period.

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17 B. Record Presented. The record presented to the Director for review and for entry of a
18 final decision included the following:

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- 20 1. Statement of Charges, cover letter dated June 30, 2008, and Notice of Opportunity to
21 Defend and Opportunity for Hearing, with documentation of service;
- 22 2. Application for Adjudicative Hearing;
- 23 3. Request to OAH for Assignment of Administrative Law Judge;
- 24 4. Notice of Prehearing Conference mailed on August 13, 2008, with documentation of
25 service;

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2 5. Order of Dismissal Due to Respondent Default mailed on September 15, 2008, with
documentation of service.

3 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the
4 Director hereby adopts the Statement of Charges, which is attached hereto.

5 II. FINAL ORDER

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

8 A. IT IS HEREBY ORDERED, That:

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10 1. Respondent Michael Christopher Case's application for a loan originator license is
denied; and
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12 2. Respondent Michael Christopher Case is banned from participation in the conduct of
the affairs of any mortgage broker subject to licensure by the Director, in any manner,
13 through March 26, 2015.

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

21 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
22 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
23 notice specifying the date by which it will act on a petition.
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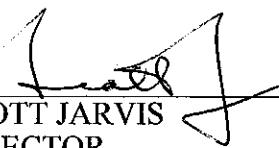
C. Stay of Order. The Director has determined not to consider a Petition to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

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

E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

DATED this 6th day of December, 2008.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


SCOTT JARVIS
DIRECTOR

