

DEC 09 2008

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONSSTATE 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-08-280-08-CO01

CONSENT ORDER

TILA MORTGAGE, INC. and RON B. GREENE,
Individually and as President and Designated
Broker of TILA Mortgage, Inc.,

Respondents.

INTRODUCTION

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and TILA Mortgage, Inc. (Respondent TILA), and Ron B. Greene, individually and as President and Designated Broker of Respondent TILA (Respondent Greene), and finding that the issues raised in the above captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act.

AGREEMENT AND ORDER

On December 4, 2008, the Department of Financial Institutions, Division of Consumer Services (Department) entered Statement of Charges No. C-08-280-08-SC01 against Respondents TILA and Greene. The Statement of Charges, a copy of which is attached, made certain Factual Allegations that are hereby incorporated by reference into this Consent Order. Based upon the foregoing:

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

B. Waiver of Hearing. It is AGREED that Respondents have been informed of the right to a hearing before an administrative law judge, and that they have waived their right to a hearing and any and all administrative and

1 judicial review of the issues raised in this matter, or of the resolution reached herein. In consideration of the terms
2 of this Consent Order, Respondents further AGREE not to contest the Statement of Charges.

3 **C. Admission of Liability.** Respondents TILA and Greene have cooperated with the Division's
4 investigation into this matter, acknowledge the Division's jurisdiction and authority to enter this Consent
5 Order, and admit to advertising in violation of the Mortgage Broker Practices Act. With that exception,
6 Respondents TILA and Greene neither admits nor denies the Factual Allegations of the Statement of Charges.
7 The parties intend this Consent Order to fully resolve the Statement of Charges.

8 **D. License Suspensions (Stayed).** It is AGREED AND ORDERED that Respondent TILA is subject to a
9 30-day suspension of its mortgage broker license, and that Respondent Greene is subject to a 30-day suspension of
10 his loan originator license. HOWEVER, it is further AGREED AND ORDERED that the license suspensions
11 shall be stayed for a period of twenty-four (24) months from the date of entry of this Consent Order, subject to
12 paragraphs F and G of this Consent Order.

13 **E. Fine (Partially Stayed).** It is AGREED AND ORDERED that Respondents TILA and Greene are jointly
14 and severally subject to a fine by the Department in the amount of \$50,000. HOWEVER, it is further AGREED
15 AND ORDERED that Respondents TILA and Greene shall pay to the Department \$25,000 of the total fine, in the
16 form of a cashier's check made payable to the "Washington State Treasurer" upon entry of this Consent Order,
17 and that the balance of the fine (\$25,000) shall be stayed for a period of twenty-four (24) months from the date of
18 entry of this Consent Order, subject to paragraphs F and G of this Consent Order.

19 **F. Lifting of Stay.** It is AGREED AND ORDERED that:

- 20 1. If, during the stay, Respondent TILA and/or Greene violate RCW 19.146.0201(2), (7), or (11), or
21 violate any of the terms and conditions of this Consent Order, and the Department seeks to lift the
22 stay, the Department will first notify Respondent TILA and/or Greene in writing. The notice will
23 set forth a description of the alleged violations; the stay(s) the Department is seeking to lift; the
24 opportunity to request an expedited adjudicative hearing, including the time and manner in which
25 Respondent TILA and/or Greene may request such a hearing; and a copy of this Consent Order.
2. If Respondent TILA and/or Greene does not request an expedited adjudicative hearing in the time
and manner directed, the Department will immediately suspend Respondent TILA's mortgage
broker license, and/or immediately suspend Respondent Greene's loan originator license, and
impose and collect the \$25,000 balance of the fine.

1 3. If requested, the adjudicative hearing will commence within 15 business days (or as soon as the
2 schedule of the Office of Administrative Hearings permits) from the receipt of Respondent
3 TILA's and/or Greene's timely request for adjudicative hearing. The parties will accommodate
4 the prompt scheduling of the hearing, the scope of which will be limited to whether or not
5 Respondent TILA and/or Greene has violated RCW 19.146.0201(2), (7), (11), or any of the terms
6 and conditions of this Consent Order.

7 4. At the conclusion of the adjudicative hearing, the Administrative Law Judge will issue an initial
8 decision. Either party may timely file a petition for review with the Director of the Department.

9 **G. Expiration of Stay:** It is AGREED AND ORDERED that if, upon expiration of the stay, no notification
10 to lift any stay for alleged violations of this Consent Order has been received by Respondent TILA and/or Greene,
11 the Department will consider the stay completed. In that event, in connection with this Consent Order, the
12 Department will not seek to suspend Respondent TILA's mortgage broker license, and/or suspend Respondent
13 Greene's loan originator license, and will not seek to impose and collect the \$25,000 fine from Respondents.

14 **H. Investigation Fee.** It is AGREED AND ORDERED that Respondents TILA and Greene shall pay to the
15 Department an investigation fee of \$1,000, in the form of a cashier's check made payable to the "Washington
16 State Treasurer," upon entry of this Consent Order.

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

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

23 **K. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into this
24 Consent Order, which is effective when signed by the Director's designee.
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1 L. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this Consent
2 Order in its entirety and fully understand and agree to all of the same.

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4 TILA MORTGAGE, INC.

5 Ron B. Greene
6 Ron B. Greene
7 President of TILA Mortgage, Inc.

12/08/08
Date

7 RON B. GREENE, Individually

8 Ron B. Greene
9 Ron B. Greene

12/08/08
Date

10 DO NOT WRITE BELOW THIS LINE

11
12 ENTERED THIS 15 DAY OF December, 2008.

13
14 Deborah Bortnek
15 DEBORAH BORTNEK
16 Director, Division of Consumer Services
17 Department of Financial Institutions

17 Presented by:

18 Anthony W. Carter
19 ANTHONY W. CARTER
20 Enforcement Attorney



21 Approved by:

22 James R. Brusselback
23 JAMES R. BRUSSELBACK
24 Enforcement Chief