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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-09-194-09-FO01

ERNEST EDWARD WEATHERLY, JR.,

FINAL ORDER TO CEASE AND DESIST

Respondent.

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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), through his designee, Consumer Services
Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On July 13, 2009, the Director,
through Consumer Services Division Director Deborah Bortner, entered a Temporary Order to Cease
and Desist against Respondent Ernest Edward Weatherly, Jr. A copy of the Temporary Order to
Cease and Desist is attached and incorporated into this order by this reference. The Temporary Order
to Cease and Desist was accompanied by a cover letter dated July 13, 2009, a Notice of Opportunity to
Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Ernest
Edward Weatherly, Jr. The Department served the Temporary Order to Cease and Desist, cover letter
dated July 13, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
Application for Adjudicative Hearing for Ernest Edward Weatherly, Jr. on Respondent on July 13,
2009, by First-Class mail and on July 16, 2009, by personal service through ABC Legal Services. The
documents sent via First-Class mail were not returned to the Department by the United States Postal
Service.

1 Respondent Ernest Edward Weatherly, Jr. did not request an adjudicative hearing within 20
2 calendar days after the Department served him with the Notice of Opportunity to Defend and
3 Opportunity for Hearing, as provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the Temporary Order to Cease and Desist, cover letter dated July
6 13, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Ernest Edward Weatherly, Jr., with documentation of service.

8 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
9 Director's designee hereby adopts the Temporary Order to Cease and Desist, which is attached hereto.

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11 II. FINAL ORDER

12 Based upon the foregoing, and the Director's designee having considered the record and
13 being otherwise fully advised, NOW, THEREFORE:

14 A. IT IS HEREBY ORDERED, That:

15 1. Respondent Ernest Edward Weatherly, Jr. shall permanently cease and desist from all
16 activity requiring a mortgage broker license from the Department, including but not limited to: making a
17 residential mortgage loan on property located in the State of Washington; assisting any person in
18 obtaining or applying to obtain a residential mortgage loan on property located in the State of
19 Washington; holding himself out to the public as being able to perform any of these activities.

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21 2. Respondent Ernest Edward Weatherly, Jr. shall permanently cease and desist from all
22 activity requiring a loan originator license from the Department, including but not limited to: taking a
23 residential mortgage loan application for a mortgage broker; offering or negotiating terms of a mortgage
24 loan; holding himself out to the public as able to perform any of these activities.

1 3. Ernest Edward Weatherly, Jr. shall permanently cease and desist from collecting any
2 fee, commission, or compensation from or on behalf of any borrower for any activity requiring a
3 mortgage broker or loan originator license issued by the Department.

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

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

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

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

20 E. Non-compliance with Order. If Respondent does not comply with the terms of this Order,
21 the Department may seek its enforcement by the Office of the Attorney General.
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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 26th day of August, 2009.



6 STATE OF WASHINGTON
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

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9 DEBORAH BORTNER
10 DIRECTOR
11 DIVISION OF CONSUMER SERVICES

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