

**RECEIVED**  
RESPONDENT

SEP 28 2009

ENFORCEMENT UNIT  
DIVISION OF CONSUMER SERVICES  
DEPT OF FINANCIAL INSTITUTIONS

**STATE 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-09-239-09-CO01

HOME MORTGAGE RESOURCES INC,

CONSENT ORDER

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Home Mortgage Resources Inc (hereinafter Respondent), and finding that the issues raised in the 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, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges entered in September 2009, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

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1 Based upon the foregoing:

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

4       B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing before  
5 an administrative law judge, and that it has waived its right to a hearing and any and all administrative and judicial  
6 review of the issues raised in this matter, or of the resolution reached herein.

7       C. **Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$3,000, in the form of a  
8 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

9       D. **Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee of  
10 \$96, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent  
11 Order.

12       E. **2008 Annual Report.** It is AGREED that Respondent shall file with the Department the 2008 Annual  
13 Report upon entry of this Consent Order.

14       F. **Authority to Execute Order.** It is AGREED that the undersigned Respondent has represented and  
15 warranted that it has the full power and right to execute this Consent Order on behalf of the parties represented.

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

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1 H. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
2 this Consent Order, which is effective when signed by the Director's designee.

3 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent  
4 Order in its entirety and fully understands and agrees to all of the same.

5 **RESPONDENT:**

6 *Home Mortgage Resources Inc*

7 By: 


9/15/09  
Date

8 Its: President (Title)

9 Printed Name: Cory Swain

11 DO NOT WRITE BELOW THIS LINE

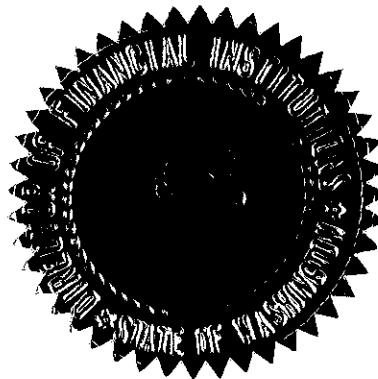
12 THIS ORDER ENTERED THIS 30<sup>th</sup> DAY OF September, 2009.

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

17 Presented by:

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19 FATIMA BATIE  
20 Financial Legal Examiner Supervisor



21 Approved by:

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23 JAMES R. BRUSSELBACK  
24 Enforcement Chief

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

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

7 HOME MORTGAGE RESOURCES INC,

8 Respondent.

NO. C-09-239-09-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO IMPOSE FINE AND COLLECT  
INVESTIGATION FEE

9 INTRODUCTION

10 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial  
11 Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the  
12 Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.235, and  
13 based upon the facts available as the date of this Statement of Charges, the Director, through his designee, Division  
14 of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

15 I. FACTUAL ALLEGATIONS

16 1.1 Respondent Home Mortgage Resources Inc (Respondent) was licensed by the Department of Financial  
17 Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times  
18 relevant to the conduct alleged.

19 1.2 Failure to File Mortgage Broker Annual Report. By March 31, 2009, Respondent was required to  
20 file an annual report of mortgage broker activity to include the total number of closed loans originated and the  
21 total volume of closed loans originated. As of the date of this Statement of Charges Respondent has not filed  
22 the 2008 mortgage broker annual report.

23 1.3 On-Going Investigation. The Department's investigation into the alleged violations of the Act by  
24 Respondent continues to date.

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**II. GROUNDS FOR ENTRY OF ORDER**

**2.1 Requirement to File Mortgage Broker Annual Report.** Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.290(1) and WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

**III. AUTHORITY TO IMPOSE SANCTIONS**

**3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a licensee or other person subject to the Act for any violations of the Act.

**3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person devoted to the investigation.

**IV. NOTICE OF INTENTION TO ENTER ORDER**

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

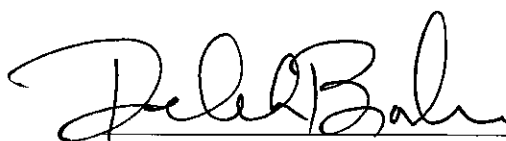
- 4.1** Respondent Home Mortgage Resources Inc pay a fine of \$3,000; and
- 4.2** Respondent Home Mortgage Resources Inc pay an investigation fee, which as of the date of these charges is \$96 calculated at \$48 per hour for two staff hours devoted to the investigation; and
- 4.3** Respondent Home Mortgage Resources Inc file the 2008 annual report of mortgage broker activity.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect  
3 Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,  
4 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
5 RCW (The Administrative Procedure Act). Respondent may make a written request for a Brief Adjudicative  
6 Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF  
7 ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

8 Dated this 9<sup>th</sup> day of September, 2009.

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11 DEBORAH BORTNER  
12 Director  
13 Division of Consumer Services  
14 Department of Financial Institutions

15 Presented by:

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17 FATIMA BATIE  
18 Financial Legal Examiner Supervisor

19 Approved by:

20 

21 JAMES R. BRUSSELBACK  
22 Enforcement Chief

