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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

NO. C-05-175-06-CO01

OCEAN WEST ENTERPRISES, INC., d/b/a
OCEAN WEST FUNDING, and MARSHALL
STEWART, President and Owner, and DARYL
MEDDINGS, Executive Vice President and Owner,

CONSENT ORDER
BETWEEN THE DEPARTMENT
AND MARSHALL STEWART

Respondents.

9 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
10 Chuck Cross, Division Director, Division of Consumer Services, and Marshall Stewart (Respondent Stewart), and
11 finding that the issues raised in the above captioned matter may be economically and efficiently settled, agree to
12 the entry of this Consent Order. This Consent Order is entered pursuant to chapter 31.04 of the Revised Code of
13 Washington (RCW) and RCW 34.05.060 of the Administrative Procedure Act based on the following:

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AGREEMENT AND ORDER

16 The Department of Financial Institutions, Division of Consumer Services (Department), and Respondent
17 Stewart have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-05-175-06-
18 SC01 (Statement of Charges), entered February 6, 2006 (copy attached hereto). Pursuant to chapter 31.04 RCW,
19 the Consumer Loan Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, Respondent Stewart
20 hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the
21 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.

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CONSENT ORDER
BETWEEN THE DEPARTMENT
AND MARSHALL STEWART
C-05-175-06-CO01

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8795

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 Stewart has been informed of the right to a
5 hearing before an administrative law judge, and that he has waived his right to a hearing and any and all
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

7 Accordingly, Respondent Stewart agrees to withdraw his appeal and to inform the Office of Administrative
8 Hearings in writing of his withdrawal.

9 C. **Ownership.** Respondent Stewart represents that he has not had any ownership interest in Respondent
10 Ocean West Enterprises, Inc. d/b/a Ocean West Funding (Ocean West) since 2004, when he sold the entirety of
11 his interest to Consumer Direct of America (CDA). Respondent Stewart further represents that following the
12 sale of his interest he renewed his employment agreement with Ocean West to continue in his position as
13 President. Respondent Stewart further represents that he had terminated his employment relationship with
14 Ocean West prior to the cancellation of Ocean West's surety bond.

15 D. **Declaration.** It is AGREED that Respondent Stewart provided the Department with a signed
16 declaration stating that has not been an owner of Ocean West since 2004. It is further AGREED that a true and
17 correct copy of the same declaration is attached hereto and incorporated by this reference as though fully set forth
18 herein.

19 E. **Consent to Be Bound By Order.** It is AGREED that the parties shall be bound by the terms and
20 conditions of this Consent Order as set forth herein.

21 F. **Authority of the Department.** It is AGREED that nothing in this Consent Order shall be construed
22 as preventing the Department from fully exercising its authority and enforcing any provision of Title 31 Revised
23 Code of Washington and Title 208 of the Washington Administrative Code.

1 **G. Authority to Execute Order.** It is AGREED that the undersigned have represented and warranted
2 that they have the full power and right to execute this Consent Order.

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

7 **I. Participation in the Industry.** Respondent Stewart REPRESENTS that, as of the date of entry of
8 this Consent Order, he is not participating in the consumer loan or mortgage broker industry in Washington
9 requiring licensure.

10 **J. Full Compliance.** Respondent Stewart AGREES that, in the future, should he wish to participate in
11 the consumer loan or mortgage broker industry in Washington in any capacity requiring licensure, he shall fully
12 and completely comply with the Consumer Loan Act and the rules adopted thereunder, the Mortgage Broker
13 Practices Act and the rules adopted thereunder, and any and all other relevant statutes and regulations in place at
14 that time.

15 **K. Future Applications.** It is AGREED that the circumstances giving rise to the issuance of the above-
16 referenced Statement of Charges will not be considered by the Department in the assessment of any future
17 application for consumer loan or mortgage broker license in the State of Washington, in the event Respondent
18 Stewart wishes to pursue such application.

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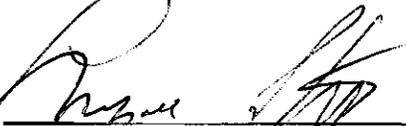
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L. Voluntarily Entered. It is AGREED that the undersigned Respondent Stewart has voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

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

RESPONDENT:

MARSHALL STEWART



Marshall Stewart, Individually

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 16th DAY OF ^{November}~~OCTOBER~~, 2006.





CHUCK CROSS
Director
Division of Consumer Services
Department 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
Consumer Loan Act of Washington by:

NO. C-05-175-06-CO01

DECLARATION OF
MARSHALL STEWART

OCEAN WEST ENTERPRISES, INC., d/b/a
OCEAN WEST FUNDING, and MARSHALL
STEWART, President and Owner, and DARYL
MEDDINGS, Executive Vice President and
Owner,

Respondents.

I, Marshall Stewart, declare:

1. I am above the age of eighteen and based upon my personal knowledge am competent to testify to the facts as stated in this declaration.

2. I make this declaration in support of, and to justify the entry of, a Consent Order by the Department of Financial Institutions (Department) to resolve this matter.

3. I am a former owner and former President of Ocean West Enterprises, Inc., d/b/a Ocean West Funding (Ocean West). In 2004, I sold my entire ownership interest in Ocean West to Consumer Direct of America (CDA). At that time, I renewed my employment agreement with Ocean West to continue in my position as President of the business.

4. My employment with Ocean West ceased prior to June 22, 2005, the date when the Washington State Department of Financial Institutions (Department) received notice from Travelers Casualty and Surety Company of America that Ocean West's surety bond would be cancelled effective August 1, 2005.

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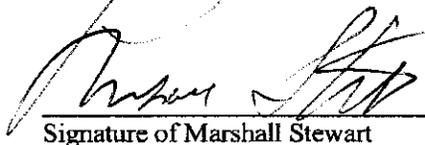
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DECLARATION OF
MARSHALL STEWART

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia WA 98504-1200
(360) 902-8703

1 I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and
2 correct and that I have read and understand all of the above.

3
4 DATED this 26 day of March, 2006, in Capitol Hill City, Co. State

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7 Signature of Marshall Stewart

8
9 Marshall Stewart
Print Name

10 714-742-6789
11 Phone Number

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27 DECLARATION OF
MARSHALL STEWART

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia WA 98504-1200
(360) 902-8703

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

NO. C-05-175-06-SC01

OCEAN WEST ENTERPRISES, INC., dba
OCEAN WEST FUNDING, and MARSHALL
STEWART, President and Owner, and DARYL
MEDDINGS, Executive Vice President and
Owner,

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

Respondents.

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INTRODUCTION

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, and based upon the facts available as of February 6, 2006, the Director institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

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1.1 Respondents.

18 A. **Ocean West Enterprises, Inc., dba Ocean West Funding** (Respondent Ocean West) was
19 licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct
20 business as a Consumer Loan Company on December 4, 1997, and has continued to be licensed to date.

21 B. **Marshall Stewart** (Respondent Stewart) is President and Owner of Respondent Ocean West.

22 C. **Daryl Meddings** (Respondent Meddings) is Executive Vice President and Owner of
23 Respondent Ocean West.

24 **1.2 Failure to Maintain Bond.** On June 22, 2005, the Department received notice from Travelers
25 Casualty and Surety Company of America that Respondent Ocean West's surety bond would be cancelled

1 effective August 1, 2005. To date, Respondents have failed to notify the Department of the cancellation of the
2 surety bond, and have failed to provide the required surety bond or an approved alternative.

3 **1.3 Failure to Respond to Directive.** On June 22, 2005, the Department served a directive on
4 Respondents via first class mail. This directive was not returned. The directive required Respondents to
5 provide the Department with a replacement bond in the appropriate amount. On June 22, 2005, the Department
6 also successfully sent correspondence to Respondents by facsimile notifying Respondents of the cancellation of
7 Respondent Ocean West's surety bond. To date, the Department has not received a response to any of the
8 above correspondence.

9 **1.4 On-Going Investigation:** The Department's investigation into the alleged violations of the Act by
10 Respondents continues to date.

11 **II. GROUNDS FOR ENTRY OF ORDER**

12 **2.1 Requirement to Maintain Surety Bond:** Based on the Factual Allegations set forth in Section I
13 above, Respondents are in apparent violation of RCW 31.04.045(3) and WAC 208-620-030(1) for failing to file
14 and maintain a surety bond or approved alternative with the Director.

15 **2.2 Authority to Charge Examination and Investigation Fees:** Pursuant to RCW 31.04.145(3), WAC
16 208-620-180(1), WAC 208-620-190(2) and WAC 208-620-191, every licensee examined or investigated by the
17 Director or the Director's designee shall pay for the cost of the examination or investigation, calculated at the
18 rate of sixty-nine dollars and one cent (\$69.01) per staff hour.

19 **2.3 Authority to Revoke License:** Pursuant to RCW 31.04.093(3)(a) and (b), the Director may revoke a
20 license if a licensee fails maintain in effect the required bond or permitted substitute, fails to comply with any
21 specific order or demand of the Director, violates any provision of the Act or any rule adopted under the Act.
22 Pursuant to RCW 31.04.093(3)(c), the Director may revoke a license if a fact or condition exists that, if it had
23 existed at the time of the original application for the license, clearly would have allowed the director to deny the
24 application for the original license.

25

1 **2.4 Authority to Impose Fine:** Pursuant to RCW 31.04.093(4), the Director may impose fines of up to one
2 hundred dollars per day upon the licensee for any violation of the Act or failure to comply with any order or
3 subpoena issued by the Director under the Act.

4
5 **III. NOTICE OF INTENTION TO ENTER ORDER**

6 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as set forth in
7 the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under
8 RCW 31.04.093, RCW 31.04.165 and RCW 31.04.205. Therefore, it is the Director's intention to ORDER that:

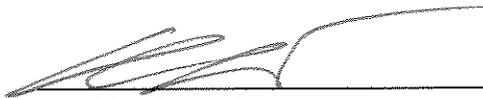
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10 **3.1** Respondent Ocean West Enterprises, Inc., dba Ocean West Funding's license to conduct the business of a
consumer loan company be revoked; and
- 11 **3.2** Respondents Ocean West Enterprises, Inc., dba Ocean West Funding, Respondent Marshall Stewart, and
Respondent Daryl Meddings jointly and severally pay a fine of \$3,750.00 for:
12 **a.** Violating RCW 31.04.045, calculated at \$50 per day for 30 days; and
b. Failing to comply with a directive of the Director, calculated at \$75 per day for 30 days.
- 13 **3.3** Respondents Ocean West Enterprises, Inc., dba Ocean West Funding, Respondent Marshall Stewart, and
Respondent Daryl Meddings jointly and severally pay an investigation fee in the amount of \$224.28,
14 calculated at \$69.01 per hour for the three and one quarter (3.25) staff hours devoted to the investigation;
15 and
- 16 **3.4** Respondents maintain records in compliance with the Act and provide the Director with the location of the
books, records and other information relating to Respondent Ocean West Enterprises, Inc., dba Ocean West
17 Funding's consumer loan company business, and the name, address and telephone number of the individual
responsible for maintenance of such records in compliance with the Act.
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IV. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke Consumer Loan License, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202 and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 6th day of February, 2006.

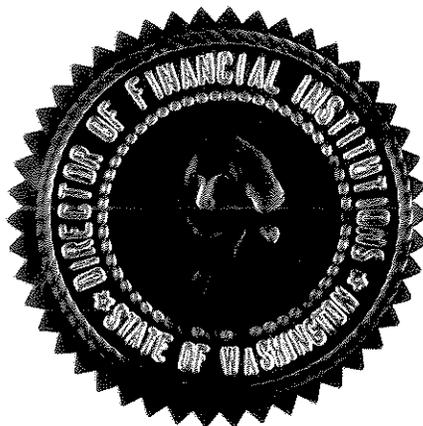


CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



RAYNE TRONSET-MOORE
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief

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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:

C-05-175-06-SC01

OCEAN WEST ENTERPRISES, INC., dba
OCEAN WEST FUNDING, and MARSHALL
STEWART, President and Owner, and DARYL
MEDDINGS, Executive Vice President and
Owner,
Respondents.

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

Ocean West Enterprises, Inc. dba Ocean West Funding
Marshall Stewart
Daryl Meddings

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department
of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the
Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is
deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY
THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE
YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the
hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal
as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing
will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges
is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege
recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine
those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by

1 subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter
2 appointed at no cost to you, as discussed below.

3 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
4 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
5 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
6 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
7 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request
8 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative
9 Hearing form.

10 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
11 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will
12 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the
13 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of
14 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the
15 attached Application for Adjudicative Hearing to:

16 Department of Financial Institutions, Division of Consumer Services
17 Attn: Steven C. Sherman
18 PO Box 41200
19 Olympia, Washington 98504-1200

20 Dated this 10th day of February 2006.



21 

22 CHUCK CROSS
23 Director
24 Division of Consumer Services
25 Department of Financial Institutions