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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:

JORDAN DEAN KOSTELYK,
Respondent.

NO. C-07-082-07-CO01

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Jordan Dean Kostelyk (hereinafter Respondent) by and through his attorney John A. Long, 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 No. C-07-082-07-SC01 (Statement of Charges), issued July 10, 2007, (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.

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

CONSENT ORDER
JORDAN DEAN KOSTELYK
C-07-082-07-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) 902-8703

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and that he has waived his right to a hearing and any and all administrative and
3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent
4 agrees to withdraw his appeal and to inform the Office of Administrative Hearings in writing of his withdrawal.

5 **C. Discharge of tax liens.** It is AGREED that:

- 6 1. On or about March 28, 2006, the U.S. Internal Revenue Service filed a federal tax lien
7 with Snohomish County Auditor's office (Lien No. 200604070353) for \$432,620.09 in
8 back taxes owed from tax periods ending December 31, 1997 through December 31,
9 2002.
- 10 2. On or about June 26, 2007, Respondent filed for Chapter 7 Bankruptcy in U.S.
11 Bankruptcy Court, Western District of Washington (Case No. 07-12921-FTG).
- 12 3. On or about September 26, 2007, the U.S. Bankruptcy Court discharged the federal tax
13 debts as referenced in paragraph C, subsection 1 above.

14 **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee
15 of \$439.20, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
16 Consent Order.

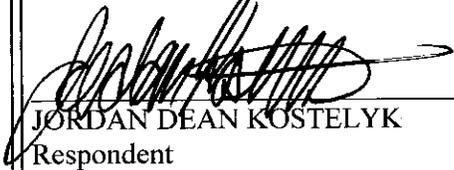
17 **E. Licensure.** It is AGREED that when all other application requirements are determined as satisfied
18 by the Department, pursuant to Chapter 19.146 RCW (Mortgage Broker Practices Act), Respondent's license
19 application will be processed within 30 days of the date of this Consent Order.

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

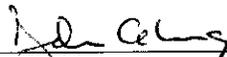
1 G. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
2 this Consent Order, which is effective when signed by the Director's designee.

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

5 **RESPONDENT:**

6 
7 JORDAN DEAN KOSTELYK
Respondent

11/30/07
Date

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9 
10 JOHN A. LONG, WSBA No. 15119
Attorney at Law
Attorney for Respondent

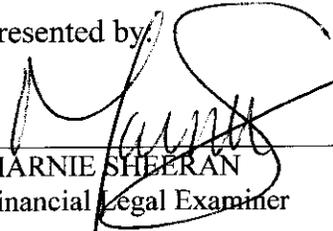
12/3/07
Date

11 DO NOT WRITE BELOW THIS LINE

12 THIS ORDER ENTERED THIS 1st day of December, 2007.

13 STATE OF WASHINGTON
14 DEPARTMENT OF FINANCIAL INSTITUTIONS

15 
16 DEBORAH BORTNER
17 DIRECTOR
DIVISION OF CONSUMER SERVICES

18 Presented by: 
19 MARNIE SHEERAN
20 Financial Legal Examiner

21 Approved by:
22 
23 JAMES R. BRUSSELBACK
24 Enforcement Chief



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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:

JORDAN DEAN KOSTELYK,

Respondent.

NO. C-07-082-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO DENY LICENSE APPLICATION

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act)¹. After having conducted an investigation pursuant to RCW 19.146.310, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent. Respondent Jordan Dean Kostelyk (Respondent Kostelyk) submitted an application to the Department of Financial Institutions of the State of Washington, Division of Consumer Services (Department) for a loan originator license under Mtn View Mtg, Inc, a mortgage broker licensed under the Act. The on-line application was received by the Department on December 20, 2006.

1.2 Existing Federal Tax Liens. On or about March 28, 2006, the U.S. Internal Revenue Service filed a federal tax lien with Snohomish County Auditor's office (Lien No. 200604070353) for \$432,620.09 in back taxes owed from tax periods ending December 31, 1997 though December 31, 2002.

¹ RCW 19.146 (Amended 2006; Effective January 1, 2007)

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

2 **2.1 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
3 forth in Section I above, Respondent Kostelyk fails to meet the requirements of RCW 19.146.310(1)(g) and
4 WAC 208-660-350(2)(a) for failing to demonstrate character and general fitness such as to command the
5 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
6 within the purposes of the Act.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
9 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
10 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
11 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
12 of the denial.

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

14 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
15 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
16 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.

17 Therefore, it is the Director's intention to ORDER that:

18 **4.1** Respondent Kostelyk's application for a loan originator license be denied.

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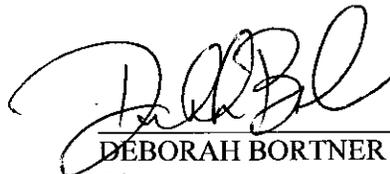
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1 **V. AUTHORITY AND PROCEDURE**

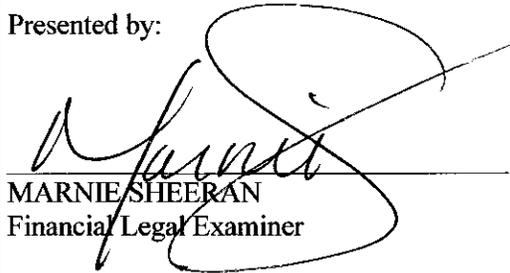
2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
3 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
4 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative
5 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF
6 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of
7 Charges.

8
9 Dated this 10th day of July, 2007.

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11 

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

16 Presented by:

17 
18 MARNIE SHEERAN
19 Financial Legal Examiner



20 Approved by:

21 
22 FATIMA BATIE
23 Financial Legal Examiner Supervisor

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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:

C-07-082-07-SC01

JORDAN DEAN KOSTELYK,
Respondent.

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

JORDAN DEAN KOSTELYK

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

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

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

14 Department of Financial Institutions
15 Division of Consumer Services
16 Attn: James R. Brusselback
17 PO Box 41200
18 Olympia, Washington 98504-1200

19 Dated this 10th day of July, 2007.



20 *Deborah Bortner*

21 DEBORAH BORTNER
22 Director
23 Division of Consumer Services
24 Department of Financial Institutions