

# Terms Completed

## ORDER SUMMARY – Case Number: C-07-175

**Name(s):** Marcus Aristotle Quintana

**Order Number:** C-07-175-08-CO01

**Effective Date:** February 4, 2008

**License Number:** DFI: 38447

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
If applicable, you must specifically note the ending dates of terms.

**License Effect:** Denial

**Not Apply Until:** \_\_\_\_\_

**Not Eligible Until:** \_\_\_\_\_

**Prohibition/Ban Until:** 35 days from the date of entry of this Consent Order

<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RECEIVED

RECEIVED

FEB 01 2008

FEB 01 2008

CONSUMER SERVICES DIVISION  
FINANCIAL INSTITUTIONS  
OLYMPIA, WASHINGTON

CONSUMER SERVICES DIVISION  
FINANCIAL INSTITUTIONS  
OLYMPIA, WASHINGTON

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**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:  
  
MARCUS ARISTOTLE QUINTANA,  
Respondent.

NO. C-07-175-08-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 Marcus Aristotle Quintana (hereinafter Respondent Quintana), 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 Quintana have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-175-07-SC01 (Statement of Charges), entered June 18, 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.

Based upon the foregoing:

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

CONSENT ORDER

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 Quintana has been informed of the right to a  
2 hearing before an administrative law judge, and that he hereby waives his right to a hearing and any and all  
3 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.  
4 Accordingly, Respondent Quintana agrees to withdraw his appeal and to inform the Office of Administrative  
5 Hearings in writing of his withdrawal.

6           **C. Application Denial.** It is AGREED that Respondent Quintana's application for a loan originator  
7 license is denied. It is further AGREED that Respondent Quintana shall not apply to the Department for a loan  
8 originator license under any name for a period of two (2) years from the date of entry of this Consent Order.

9           **D. Prohibition from Industry.** It is AGREED that Respondent Quintana is prohibited from participating  
10 in the conduct of the affairs of any mortgage broker licensed by the Department or any mortgage broker exempt  
11 from Washington law under RCW 19.146.020(1)(d) or (f) for thirty-five (35) days from the date of entry of this  
12 Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active or passive or  
13 (2) as an officer, director, principal, designated broker, employee, or loan originator or (3) any management,  
14 control, oversight or maintenance of any trust account(s) in any way related to any residential mortgage transaction  
15 or (4) receiving, disbursing, managing or controlling in any way, consumer trust funds in any way related to any  
16 residential mortgage transaction.

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

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

23           **G. Completely Read, Understood, and Agreed.** It is AGREED that Respondent Quintana has read this  
24 Consent Order in its entirety and fully understands and agrees to all of the same.  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**RESPONDENT:**

Marcus Aristotle Quintana  
Marcus Aristotle Quintana

1-28-08  
Date

Individually

Brian Ritchie, WSBA No. 11121  
Brian Ritchie, WSBA No. 11121

1/30/08  
Date

Attorney at Law  
Attorney for Respondents

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 4<sup>th</sup> DAY OF February, 2008.

Deborah Bortner  
DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

Robert E. Jones  
ROBERT E. JONES  
Financial Legal Examiner



Approved by:

Fatima Batie  
FATIMA BATIE  
Financial Legal Examiner Supervisor

1  
2  
3  
4  
5  
6  
7  
8  
9

**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:

MARCUS ARISTOTLE QUINTANA,  
  
Respondent.

NO. C-07-175-07-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO DENY LICENSE APPLICATION  
AND PROHIBIT FROM INDUSTRY

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**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)<sup>1</sup>. 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 Marcus Aristotle Quintana (Respondent Quintana)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Stay In Home Mortgage, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 28, 2006.

**1.2 Prior Criminal Acts.** On March 31, 2000, Respondent Quintana was convicted in King County Superior Court of possession with intent to deliver marijuana in violation of RCW 69.50.401(a)(1)(iii) and delivery of marijuana in violation of RCW 69.50.401(a)(1)(iii), felonies pursuant to RCW 9A.20.040(3).

**1.3 Responses to Application Questions.** The "Criminal Disclosure" section of the loan originator license application consists of eight questions, and includes the following instruction:

<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

1 "If the answer to any of the following is "YES", provide complete details of all events or proceedings"  
2 Respondent Quintana answered "no" to the following questions on the "Criminal Disclosure" section of his loan  
3 originator license application:

- 4 • 1-Have you ever been convicted of or plead guilty or nolo contendere ("no contest") in a  
5 domestic, foreign, or military court to any felony? If Yes, when and where?
- 6 • 2-Have you ever been charged with any felony?

7 Respondent Quintana, in answer to Question 2, additionally stated "Over 7 years ago." Respondent Quintana  
8 was obligated by statute to answer questions on the loan originator license application truthfully and to provide  
9 the Department with complete details of all events or proceedings.

## 10 II. GROUNDS FOR ENTRY OF ORDER

11 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,  
12 Respondent Quintana fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c)  
13 by having been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony  
14 within seven years of the filing of the present application.

15 **2.2 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent  
16 Quintana is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making  
17 any false statement or willfully making any omission of material fact in connection with any application or any  
18 information filed by a licensee in connection with any application, examination or investigation conducted by  
19 the Department.

20 **2.3 Requirement to Provide Information on License Application.** Based on the Factual Allegations set  
21 forth in Section I above, Respondent Quintana fails to meet the requirements of RCW 19.146.300(1) and (2)  
22 and RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form  
23 prescribed by the Director.

24 **2.4 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set  
25 forth in Section I above, Respondent Quintana fails to meet the requirements of RCW 19.146.310(1)(g) and

1 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the  
2 confidence of the community and to warrant a belief that the business will be operated honestly and fairly  
3 within the purposes of the Act.

### 4 III. AUTHORITY TO IMPOSE SANCTIONS

5 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the  
6 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the  
7 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by  
8 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application  
9 of the denial.

10 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue  
11 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed  
12 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker  
13 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9).

### 14 IV. NOTICE OF INTENTION TO ENTER ORDER

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

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

19 **4.1** Respondent Marcus Aristotle Quintana's application for a loan originator license be denied.

20 **4.2** Respondent Marcus Aristotle Quintana be prohibited from participation in the conduct of the affairs of  
21 any mortgage broker subject to licensure by the Director, in any manner, through December 28, 2013.

### 22 V. AUTHORITY AND PROCEDURE

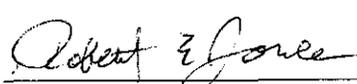
23 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and  
24 Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,  
25 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in

1 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this  
2 Statement of Charges.

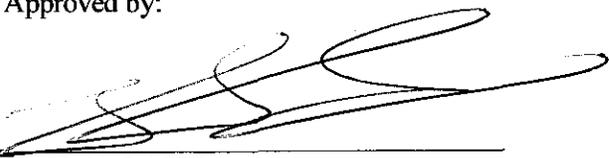
3 Dated this 18<sup>th</sup> day of June, 2007.

4  
5   
6 DEBORAH BORTNER  
7 Director  
8 Division of Consumer Services  
9 Department of Financial Institutions

8 Presented by:

9  
10   
11 ROBERT E. JONES  
12 Financial Legal Examiner

12 Approved by:

13  
14   
15 FATIMA BATIE  
16 Financial Legal Examiner Supervisor



25