

Terms Completed

ORDER SUMMARY – Case Number: C-07-443

Name(s): Kieu Thuy Nguyen

Order Number: C-07-443-08-FO01

Effective Date: January 17, 2008

License Number: DFI: 37239

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

License Effect: Denial
If applicable, you must specifically note the ending dates of terms.

Not Apply Until: July 19, 2007

Not Eligible Until: _____

Prohibition/Ban Until: n/a

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

Comments: _____

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:

KIEU THUY NGUYEN,

Respondent.

NO. C-07-443-08-FO01

FINAL ORDER

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 34.05440(1). On December 4, 2007, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated December 4, 2007, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. The Department served the Statement of Charges, cover letter dated December 4, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on December 4, 2007 by first class mail and Federal Express overnight delivery. On December 19, 2007, the documents sent via Federal Express overnight delivery were delivered. The documents sent via first class mail were not returned to the Department by the United States Postal Service.

1 Respondent did not request an adjudicative hearing within twenty calendar days after the
2 Department served her with the Notice of Opportunity to Defend and Opportunity for Hearing, as
3 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 Statement of Charges, cover letter dated December 4, 2007,
6 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative
7 Hearing, with documentation of service.

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

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 Respondent Kieu Thuy Nguyen's application for a loan originator license is denied.

16 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
17 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
18 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
19 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
20 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
21 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
22 Reconsideration a prerequisite for seeking judicial review in this matter.
23
24

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

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

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

10 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for
11 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
12 attached hereto.
13

14 DATED this 17th day of January, 2008.



15 STATE OF WASHINGTON
16 DEPARTMENT OF FINANCIAL INSTITUTIONS

17 
18 DEBORAH BORTNER
19 DIRECTOR
20 DIVISION OF CONSUMER SERVICES

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:

KIEU THUY NGUYEN,

Respondent.

NO. C-07-443-07-SC01

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

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)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 Kieu Thuy Nguyen (Respondent Nguyen) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under APN Financial Services, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 22, 2006.

1.2 Prior Criminal Acts. On or about April 19, 2000, in the Superior Court of Washington for King County, Case No. 00-C-02643-5 KNT, Respondent Nguyen was charged with Theft in the Second Degree, a felony, pursuant to RCW 9A.56.040(1)(a) and 9A.56.020(1)(a). On July 18, 2000, in the Superior Court of Washington for King County, Case No. 00-C-02643-5 KNT, Respondent Nguyen pleaded guilty to Attempted

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

1 Theft in the Second Degree, a gross misdemeanor, pursuant to RCW 9A.56.040, 9A.56.020(1) and
2 9A.28.020(3)(d).

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

4 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,
5 Respondent Nguyen fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by
6 having been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony within
7 seven years of the filing of the present application.

8 **2.2 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
9 forth in Section I above, Respondent Nguyen fails to meet the requirements of RCW 19.146.310(1)(g) and
10 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the
11 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
12 within the purposes of the Act.

13 **III. AUTHORITY TO IMPOSE SANCTIONS**

14 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
15 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
16 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
17 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
18 of the denial.

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

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

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

24 **4.1** Respondent Kieu Thuy Nguyen's application for a loan originator license be denied.
25

1 **V. AUTHORITY AND PROCEDURE**

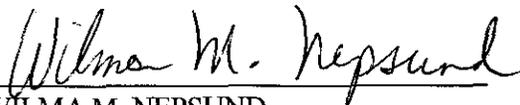
2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application
3 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW
4 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative
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 Dated this 1st day of December, 2007.

9
10 

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

15 Presented by:

16 

17 WILMA M. NEPSUND
18 Financial Examiner



19 Approved by:

20 

21 FATIMA BATIE
22 Financial Legal Examiner Supervisor