

Terms Completed

ORDER SUMMARY – Case Number: C-07-491

Name(s): Mark Anthony Flanders

Order Number: C-07-491-08-CO01

Effective Date: April 7, 2008

License Number: DFI: 39640 [NMLS: 149308]

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

License Effect: Denial

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: December 1, 2008

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

6 **C. License Application Denial.** It is AGREED that Respondent Flanders' application for a Loan
7 Originator License is denied. It is further AGREED that Respondent Flanders will not apply for any license under
8 the Act before December 1, 2008.

9 **D. Prohibition from Industry.** It is AGREED that Respondent Flanders is prohibited from
10 participating in the conduct of the affairs of any mortgage broker licensed by the Department or any mortgage
11 broker exempt from Washington law under RCW 19.146.020(1)(e) or (g) until December 1, 2008, in any capacity
12 other than administrative, including but not limited to: (1) any financial capacity whether active or passive, or (2)
13 as an officer, director, principal, designated broker, or loan originator, or (3) any management, control, oversight,
14 or maintenance of any trust account(s) in any way related to any residential mortgage transaction.

15 **E. Declaration of Inactivity.** It is AGREED that Respondent Flanders will sign the subjoined
16 Declaration of Inactivity declaring that he has not engaged in any activity requiring licensing under the Act since
17 December 5, 2007.

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

22 **G. Voluntarily Entered.** It is AGREED that the undersigned Respondent Flanders has voluntarily
23 entered into this Consent Order, which is effective when signed by the Director's designee.
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CONSENT ORDER
C-07-491-08-CO01
Mark Anthony Flanders

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

3 **RESPONDENTS:**

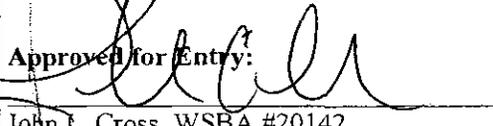
4 **Mark Anthony Flanders**

5 By:

6 
Mark Anthony Flanders

03-31-08
Date

7 **Approved for Entry:**

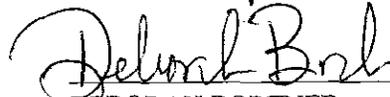
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3/31/08
Date

9 John L. Cross, WSBA #20142
10 Attorney at Law
Attorney for Respondent

11 DO NOT WRITE BELOW THIS LINE

12 THIS ORDER ENTERED THIS 7th DAY OF April, 2008.

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

17 Presented by:

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19 Steven C. Sherman
20 Financial Legal Examiner

21 Approved by:

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23 FATHMA BATIE
24 Financial Legal Examiner Supervisor

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Declaration of Inactivity

I, Mark Anthony Flanders, declare as follows:

I am above the age of eighteen and, based on my personal knowledge, am competent to testify to the facts as stated in this declaration. I declare that I have not engaged in any activity requiring licensing under the Mortgage Broker Practices Act since December 5, 2007.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

SIGNED this 31st day of March, 2008, in Port Orchard, WA.
City State

Mark A. Flanders
Signature

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

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IN THE MATTER OF INVESTIGATING
the Loan Originator License Application under the
Mortgage Broker Practices Act of Washington by:

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MARK ANTHONY FLANDERS,

Respondent.

NO. C-07-491-07-SC01

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

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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 Mark Anthony Flanders (Respondent Flanders) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Olympic Northwest Mortgage, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about January 2, 2007.

1.2 Prior Criminal Acts. On January 11, 2000, Respondent Flanders was charged in the Superior Court of Washington in and for Jefferson County with the crime of Unlawful Issuance of Bank Checks in excess of \$250, a crime of dishonesty and a Class C felony violation of RCW 9A.56.060. On December 8, 2000, Respondent Flanders pled guilty to an amended charge of Unlawful Issuance of Bank Checks not in excess of \$250, a crime of dishonesty and a gross misdemeanor violation of RCW 9A.56.060.

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

1 **1.3 Responses to Application Questions.** The “Criminal Disclosure” section of the loan originator license
2 application consists of eight questions, and includes the following instruction:

3 “If the answer to any of the following is “YES”, provide complete details of all events or proceedings”
4 Respondent Flanders answered “no” to the following question on the “Criminal Disclosure” section of his loan
5 originator license application:

- 6 • 2-Have you ever been charged with any felony

7 Respondent Flanders was obligated by statute to answer questions on the loan originator license application
8 truthfully and to provide the Department with complete details of all events or proceedings.

9 II. GROUNDS FOR ENTRY OF ORDER

10 **2.1 Requirement of No Prior Convictions.** Based on the Factual Allegations set forth in Section I above,
11 Respondent Flanders fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-660-350(2)(c) by
12 having been convicted of a gross misdemeanor involving dishonesty or financial misconduct within seven years
13 of the filing of the present application.

14 **2.2 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above, Respondent
15 Flanders is in apparent violation of RCW 19.146.0201(8) and WAC 208-660-500(3)(i) for negligently making
16 any false statement or willfully making any omission of material fact in connection with any application or any
17 information filed by a licensee in connection with any application, examination or investigation conducted by
18 the Department.

19 **2.3 Requirement to Provide Information on License Application.** Based on the Factual Allegations set
20 forth in Section I above, Respondent Flanders fails to meet the requirements of RCW 19.146.300(1) and (2) and
21 RCW 19.146.310(1)(b) by failing to provide an accurate and complete license application in the form
22 prescribed by the Director.

23 **2.4 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
24 forth in Section I above, Respondent Flanders fails to meet the requirements of RCW 19.146.310(1)(g) and
25 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the

1 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
2 within the purposes of the Act.

3 III. AUTHORITY TO IMPOSE SANCTIONS

4 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW 19.146.220(1), the
5 Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2) and WAC 208-660-350(7), the
6 Director shall not issue a loan originator license if the conditions of RCW 19.146.310(1) have not been met by
7 the applicant, and shall notify the loan originator applicant and any mortgage brokers listed on the application
8 of the denial.

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

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 Mark Anthony Flanders' application for a loan originator license be denied.

19 **4.2** Respondent Mark Anthony Flanders be prohibited from participation in the conduct of the affairs of any
20 mortgage broker subject to licensure by the Director, in any manner, through January 2, 2014.

21 V. AUTHORITY AND PROCEDURE

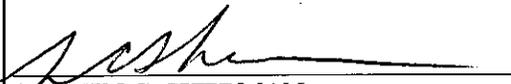
22 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application and
23 Prohibit from Industry (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
24 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05
25 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 29th day of November, 2007.
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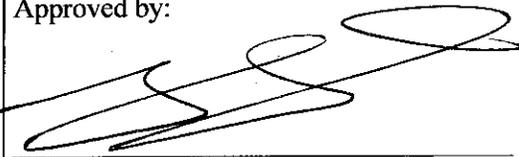
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6 DEBORAH BORTNER
7 Director
8 Division of Consumer Services
9 Department of Financial Institutions

8 Presented by:

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11 STEVEN C. SHERMAN
12 Financial Legal Examiner



12 Approved by:

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15 FATIMA BATIE
16 Financial Legal Examiner Supervisor

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