

ORDER SUMMARY – Case Number: C-14-1533

Name(s): Tina Thevaphone Nobouphasavanh

Order Number: C-14-1533-15-FO01

Effective Date: February 19, 2015

License Number: DFI: MLO – 751219 NMLS ID: 87931

Or NMLS Identifier [U/L] _____

License Effect: Revoked

Not Apply Until: February 19, 2020

Not Eligible Until: February 19, 2020

Prohibition/Ban Until: February 19, 2020

Investigation Costs	\$897.13	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$2,000	Due	Paid <input type="checkbox"/> Y <input checked="" 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:				

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-14-1533-15-FO01

TINA THEVAPHONE NOBOUPHASAVANH,
Mortgage Loan Originator, NMLS #87931,

FINAL ORDER

Respondent.

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 Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On December 31, 2014, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Impose Fine, and Collect Investigation Fee (Statement of Charges) against Tina Thevaphone Nobouphasavanh (Respondent). 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 January 2, 2015, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (AAH) (collectively, accompanying documents).

On January 2, 2015, the Department served Respondent with the Statement of Charges and accompanying documents by United States Postal Service (USPS) First-Class mail and Federal Express overnight delivery. On January 5, 2015, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the USPS.

Respondent did not request an adjudicative hearing within twenty calendar days after the Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2). However, on January 28, 2015, the Department received Respondent's signed AAH document indicated that she DID NOT request an adjudicative hearing.

B. Record Presented. The record presented to the Director's designee for his review and for entry of a final decision included the following:

1. Statement of Charges, cover letter dated January 2, 2015, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Respondent, with documentation for service.
2. Application of Adjudicative Hearing, signed by Respondent on January 24, 2015.

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

II. FINAL ORDER

Based upon the foregoing, and the Director's Designee having considered the record and being otherwise fully advised, NOW, THEREFORE:

A. IT IS HEREBY ORDERED, That:

1. Respondent Tina Thevaphone Nobouphasavanh's license to conduct the business of a mortgage loan originator under Washington State law is revoked.
2. Respondent Tina Thevaphone Nobouphasavanh is prohibited from participation in the conduct of the affairs of any consumer loan company subject to licensure by the Director, in any manner, for a period of 5 years.
3. Respondent Tina Thevaphone Nobouphasavanh pay a fine of \$2,000 to the Department.
4. Respondent Tina Thevaphone Nobouphasavanh pay an investigation fee of \$897.13 to the Department.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
2 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
3 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
4 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
5 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
6 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
7 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

17 E. Non-compliance with Order. If you do not comply with the terms of this order,
18 **including payment of any amounts owed within 30 days of receipt of this order**, the Department
19 may seek its enforcement by the Office of the Attorney General to include the collection of the fines
20 and fees imposed herein. The Department also may assign the amounts owed to a collection agency
21 for collection.

1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
2 Review, service of this Final Order is effective upon deposit of this Final Order in the U.S. mail,
3 declaration of service attached hereto.

4 DATED this 19th day of February, 2015.



6 STATE OF WASHINGTON
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

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9 CHARLES E. CLARK
10 Director
11 Division of Consumer Services
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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:

TINA THEVAPHONE NOBOUPHASAVANH,
Mortgage Loan Originator, NMLS #87931,

Respondent.

No. C-14-1533-14-SC01

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

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 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. Tina Thevaphone Nobouphasavanh (Respondent) was licensed on or about January 16, 2014, by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage loan originator. Respondent continues to be licensed to date, and her mortgage loan originator license status has been "Inactive" status since June 3, 2014.

1.2 Termination of Employment. On or about September 20, 2013, RBS Citizens Bank, N.A. terminated Respondent for falsifying loan documents on two loans to increase her incentive pay.

1 **1.3 Responses to Application Questions.** In Respondent's mortgage loan originator application
2 submitted on or about December 19, 2013, Respondent answered "No" to the following question in
3 the "Termination Disclosure" section of the application:

- 4 • (Q) Have you ever voluntarily resigned, been discharged, or permitted to resign after
5 allegations were made that accused you of:

6 (2) fraud, dishonesty, or the wrongful taking of property?

7 In addition, Respondent attested on or about December 19, 2013, that her application was true and
8 complete to the best of her knowledge. Respondent also acknowledged in her application that
9 providing false or misleading answers could subject her to administrative, civil or criminal penalties.
10 Respondent has an obligation by statute to answer questions on the MU4 Form truthfully and to
11 provide the Department with complete details of all events and proceedings. Respondent attested
12 under penalty of perjury to the accuracy and completeness of her MU4 Form and to keep information
13 on her MU4 Form current. Respondent did not disclose to the Department the termination identified
14 in Section 1.2 at any time.

15 **1.4 Financial Responsibility, Character, and General Fitness.** Respondent has not
16 demonstrated character and general fitness under RCW 31.04.247(1)(b), (e), and (i) and WAC 208-
17 620-710(4)(a) as evidenced by Respondent's providing of false statements on her loan originator
18 application and committing violations of this chapter or rules adopted under this chapter.

19 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
20 Act by Respondent continues to date.

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

22 **2.1 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above,
23 Respondent is in apparent violation of RCW 31.04.027(8) for negligently making any false statement

1 or knowingly and willfully making any omission of material fact in connection with any reports filed
2 with the Department or in connection with any investigation conducted by the Department. Also,
3 based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of
4 WAC 208-620-550(6) for not furnishing information pertaining to personal history and experience in
5 a form prescribed by the Nationwide Mortgage Licensing System (NMLS).

6 **2.2 Requirement to Provide Information on License Application.** As set forth in Section I
7 above, Respondent is in apparent violation of WAC 208-620-710(27)(a) and (d) for failing to notify
8 the Director through amendment to the Nationwide Mortgage Licensing System and Registry within
9 10 business days of any change to answers to the NMLS generated disclosure questions, and of any
10 change in the information supplied to the director in the original application.

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(a) and (b), and WAC 208-
13 620-570(13), the Director may revoke a license for failure to comply with any specific order or
14 demand, violating any provision of the Act or the rules adopted, or if a fact or condition exists that, if
15 it had existed at the time of the original application for the license, clearly would have allowed the
16 director to deny the application for the original license.

17 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6)(a), the Director
18 may issue an order prohibiting from participation in the affairs of any licensee, any officer, principal,
19 employee, or any other person subject to the Act for false statements or omission of material
20 information from an application for a license that, if known, would have allowed the director to deny
21 the original application for a license.

1 **3.3 Authority to Impose Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-
2 590, every licensee investigated by the Director or the Director's designee shall pay for the cost of
3 the investigation, calculated at the rate of \$69.01 per staff hour devoted to the investigation.

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

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

- 9 **4.1** Respondent Tina Thevaphone Nobouphasavanh's license to conduct the business of a
10 mortgage loan originator be revoked or suspended.
- 11 **4.2** Respondent Tina Thevaphone Nobouphasavanh be prohibited from participation in the
12 conduct of the affairs of any consumer loan company or mortgage broker company
13 subject to licensure by the Director, in any manner, for a period of 5 years.
- 14 **4.3** Respondent Tina Thevaphone Nobouphasavanh pay a fine of \$2,000.
- 15 **4.4** Respondent Tina Thevaphone Nobouphasavanh pay an investigation fee. As of the
16 date of this Statement of Charges, the investigation fee totals \$897.13.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License,
3 Prohibit from Industry, and Collect Investigation Fee (Statement of Charges) is entered pursuant to
4 the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202, and RCW 31.04.205, and is
5 subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent
6 may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO
7 DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

8 Dated this 31st day of December, 2014.



14 [REDACTED]
15
16 DEBORAH BORTNER
17 Director
18 Division of Consumer Services
19 Department of Financial Institutions

20 Presented by:

21 [REDACTED]
22
23 WILMA M. COLWELL
24 Financial Examiner

Approved by:

19 [REDACTED]
20 CHARLES E. CLARK
21 Enforcement Chief