

Terms Completed

ORDER SUMMARY – Case Number: C-09-309

Name(s): Surefast Mortgage Corp.

Order Number: C-09-309-12-FO01

Effective Date: April 4, 2012

License Number: DFI 25474, NMLS 37401

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: n/a

Investigation Costs	\$96.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/01/2012
Fine	\$1,500.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/01/2012
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 checked="" type="checkbox"/> N		
No. of Victims:		0		

Comments: On April 4, 2012, the Department entered a Final Order against Surefast Mortgage Corp. for failure to file a Mortgage Broker Annual Report with the Department for the year ended December 31, 2008. Surefast Mortgage Corp. was ordered to pay a fine and the cost of the investigation.



State of Washington

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

BRIEF ADJUDICATIVE PROCEEDING

IN THE MATTER OF INVESTIGATING
Whether there has been a violation of the Mortgage
Broker Practices Act of Washington (chapter
19.146 RCW) by:

SUREFAST MORTGAGE CORP,

Respondent.

NO. C-09-309-¹²~~10~~-FO01

FINAL DECISION AND ORDER

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.464. On September 9, 2009, the Director, through Consumer Services Division Director, Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) against Surefast Mortgage Corp, 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 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for a Brief Adjudicative Proceeding for Surefast Mortgage Corp. The Department served the Statement of Charges, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for a Brief Adjudicative Proceeding for Surefast Mortgage Corp on Respondent, on September 9, 2009, by First-Class mail and Federal Express overnight delivery.

On September 16, 2009, the Director, through Consumer Services Division Director, Deborah Bortner, entered an Amended Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Amended Statement of Charges) against Surefast Mortgage Corp. A copy of the Amended Statement of Charges is attached and incorporated into this order by this reference. The Amended Statement of Charges was accompanied by a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for a Brief Adjudicative Proceeding for Surefast Mortgage Corp. The Department served the Amended Statement of Charges, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for a Brief Adjudicative Proceeding for Surefast Mortgage Corp on Respondent, on September 16, 2009, by First-Class mail and Federal Express overnight delivery.

On September 28, 2009 the Department received from Respondent's representative, Robyn Kay Woodman, a completed Application for Brief Adjudicative Proceeding. On September 29, 2009, the Division of Consumer Services made a request to the BAP Hearing Officer, Joseph M. Vincent, (BAP Hearing Officer Vincent) to schedule and conduct a hearing on the Statement of Charges. On October 16, 2009, BAP Hearing Officer Vincent issued a Notice of Assignment & Time to File Additional Materials giving Respondent until Friday, October 30, 2009, to provide additional materials.

On February 16, 2010, BAP Hearing Officer Vincent issued an Initial Decision and Order. This Initial Decision and Order includes the following Findings of Fact:

- Respondent was required to file a Mortgage Broker Annual Report (MBAR) on or before March 31, 2009.
- The Division did not timely receive the 2008 MBAR.

- The Project Manager, as principal for Respondent, was on notice of the importance and legal requirement of timely filing of an MBAR on or before March 31st of each year for as long as Respondent remains a licensee.

The Initial Decision and Order ordered Respondent to pay a fine of \$1,500 and to pay investigative costs of \$96. On February 16, 2010, the Initial Decision and Order was mailed to Respondent via First-Class mail.

Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had twenty (20) days from the date of service of the Initial Decision and Order to file a Petition for Review of the Initial Decision and Order. Respondent did not file a Petition for Review during the statutory period.

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

1. Statement of Charges, and Notice of Opportunity to Defend and Opportunity for Hearing, with documentation of service;
2. Amended Statement of Charges, and Notice of Opportunity to Defend and Opportunity for Hearing, with documentation of service;
3. Completed application for Brief Adjudicative Proceeding for Surefast Mortgage Corp;
4. Letter requesting the scheduling of a Brief Adjudicative Proceeding;
5. Notice of Assignment & Time To File Additional Materials dated October 15, 2009; and
6. Initial Decision and Order dated February 16, 2010, with documentation of service.

C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director hereby adopts the Initial Decision and Order, which is attached hereto.

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II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

1. Respondent Surefast Mortgage Corp. pay a fine to Washington State Department of Financial Institutions of One Thousand Five Hundred Dollars (\$1,500.00); and
2. Respondent Surefast Mortgage Corp., pay an investigative fee to Washington State Department of Financial Institutions of Ninety-Six Dollars (\$96.00).

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

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

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

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

E. Non-compliance with Order. If Surefast Mortgage Corp does not comply with the terms of this order, the Department may seek its enforcement by the Office of Attorney General to include the collection of the fine and fees imposed herein.

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

Dated this 4th day of April, 2012, at Tumwater, Washington.



SCOTT JARVIS, Director



State of Washington

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

BRIEF ADJUDICATIVE PROCEEDING

IN THE MATTER OF INVESTIGATING
Whether has been a violation of the Washington
Mortgage Broker Practices Act (Ch. 19.146 RCW)
by:

SUREFAST MORTGAGE CORP.,

Respondent.

DCS – BAP – C-09-309-09-IO

INITIAL DECISION AND ORDER

THIS MATTER having come before Joseph M. Vincent, General Counsel for the Department of Financial Institutions (“Department”), sitting in his capacity as Presiding Officer (“Presiding Officer”) for Brief Adjudicative Proceedings (“BAP”) for the Division of Consumer Services (“Division”), in relation to a State of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (“Statement of Charges”) under the Washington Mortgage Broker Practices Act, Chapter 19.146 RCW (“Act”), against SUREFAST MORTGAGE CORP., the Respondent (“Respondent”);

NOW THEREFORE, the Presiding Officer issues the following Findings of Fact, Conclusions of Law, and Initial Decision and Order:

1.0 RECORD

The Presiding Officer has considered the following material documents, which comprise the relevant record in this matter (“Record”):

- 1.1 Statement of Charges, dated September 16, 2009;
- 1.2 Request for Brief Adjudicative Proceeding, received by the Division on September 28, 2009, in which the project manager of Respondent, Robyn Woodman (“Project Manager”) declined a qualified interpreter;
- 1.3 Letter from James Brusselback, Enforcement Chief of the Division, dated September 29, 2009;

- 1.4 Notice of Assignment and Time to File Additional Materials, from the Presiding Officer, dated October 16, 2009; and
- 1.5 Letter of Explanation from Project Manager dated September 22, 2009.

2.0 FINDINGS OF FACT

Based upon the Record, the following facts are undisputed as between the Division and the Respondent:

- 2.1 Robyn Woodman is the authorized representative of Respondent.
- 2.2 Respondent was required to file a Mortgage Broker Annual Report (“MBAR”) of mortgage activity with the Division on or before March 31st of every year following any year in which it held a mortgage broker license.
- 2.3 The 2008 MBAR was due to the Division by March 31, 2009, but the Division did not receive it timely.
- 2.4 Despite that, the Department did not issue its Statement of Charges until September 16, 2009, at a time when the Respondent had still not filed its 2008 MBAR.
- 2.5 The Project Manager’s Letter of Explanation to the Presiding Officer dated September 22, 2009, does not deny any of the Findings of Fact set forth above.
- 2.6 The Project Manager, as principal for Respondent, was on notice of the importance and legal requirement of timely filing of an MBAR on or before March 31st of each year for as long as Respondent remains a licensee.
- 2.7 The MBAR is a tool for measuring the activity of Mortgage Broker Licensees so that the Division may allocate its scarce resources in determining such matters as which Mortgage Broker Licensees ought to be examined. It is not an “annual report” in the manner, for example, of renewing one’s corporation license with the Secretary of State. Because of the MBAR’s purpose, it is essential that it be filed – and filed timely. Every licensee is on notice of this distinction by statute and by rule.
- 2.8 Respondent did not treat the MBAR filing requirement or this Department with the respect they deserve.

- 2.9 The Project Manager's Letter of Explanation admits the allegations and provides no evidence of excusable neglect.
- 2.10 The Presiding Officer finds that Respondent has shown a disregard for the Department and the Department's applicable laws and regulations.
- 2.11 Two staff hours were devoted to this investigation.

3.0 CONCLUSIONS OF LAW

Based upon the Findings of Fact above, the Presiding Officer must conclude, as follows:

- 3.1 In its failure to timely file the 2008 MBAR, Respondent violated RCW 19.146.290(1) and WAC 208-660-400(1), (2), (3) and (4).
- 3.2 Pursuant to RCW 19.146.220(2)(e), the Department may impose fines on a Mortgage Broker Licensee for any violation of the Act.
- 3.3 A fine of \$1,500.00 is permitted under the Act.
- 3.4 Pursuant to RCW 19.146.228(2), WAC 208-660-520 and WAC 208-660-550(4), upon completion of any investigation of the books and records of a licensee, the Department will furnish to the licensee a billing to cover the cost of investigation.
- 3.5 The investigative charge will be calculated at the rate of \$48 per hour for each staff person of the Department devoted to the investigation.

4.0 INITIAL DECISION AND ORDER

Based upon the Findings of Fact and Conclusions of Law set forth above, IT IS HEREBY ORDERED THAT:

- 4.1 Respondent, SUREFAST MORTGAGE CORP., pay a fine of One Thousand Five Hundred Dollars (\$1,500.00); and
- 4.2 Respondent, SUREFAST MORTGAGE CORP., pay an investigative fee of Ninety-Six Dollars (\$96.00).

Dated and mailed on February 16, 2010, at Tumwater, Washington.



J. Vincent
Joseph M. Vincent, Presiding Officer
Brief Adjudicative Proceedings
Division of Consumer Services
WASHINGTON STATE DEPARTMENT OF
FINANCIAL INSTITUTIONS

P.O. Box 41200
Olympia, Washington 98504-1200
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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

SUREFAST MORTGAGE CORP,

Respondent.

NO. C-09-309-09-SC02

AMENDED STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

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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). After having conducted an investigation pursuant to RCW 19.146.235, the Department of Financial Institutions of the State of Washington (Department) issued Statement of Charges C-09-309-09-SC01 on September 9, 2009. Since the issuance of Statement of Charges C-09-309-09-SC01, information came to the Department that necessitated the amendment of Statement of Charges C-09-309-09-SC01. Based upon the facts available as the date of this Amended Statement of Charges, the Director now proceeds to amend Statement of Charges C-09-309-09-SC01 by issuing an Amended Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee C-09-309-09-SC02 (Amended Statement of Charges). This Amended Statement of Charges includes the following modifications: modification to paragraph 1.2 to the Factual Allegations, modification of the fine amount in paragraph 4.2, and deletion of paragraph 4.3 to the Notice of Intention to Enter Order.

I. FACTUAL ALLEGATIONS

1.1 Respondent Surefast Mortgage Corp (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged.

1.2 Failure to Timely File Mortgage Broker Annual Report. By March 31, 2009, Respondent was required to file an annual report of mortgage broker activity to include the total number of closed loans

1 originated and the total volume of closed loans originated. Respondent filed the 2008 mortgage broker annual
2 report after April 30, 2009. Respondent also did not timely file the 2007 mortgage broker annual report.

3 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
4 Respondent continues to date.

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

6 **2.1 Requirement to Timely File Mortgage Broker Annual Report.** Based on the Factual Allegations set
7 forth in Section I above, Respondent is in apparent violation of RCW 19.146.290(1) and WAC 208-660-400(1),
8 (2), (3), and (4) for failing to timely file the mortgage broker annual report.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
11 licensee or other person subject to the Act for any violations of the Act.

12 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
13 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
14 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
15 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
16 devoted to the investigation.

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

18 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
19 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
20 for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the
21 Director's intention to ORDER that:

22 **4.1** Respondent Surefast Mortgage Corp pay a fine of \$1,500; and

23 **4.2** Respondent Surefast Mortgage Corp pay an investigation fee, which as of the date of these
24 charges is \$96 calculated at \$48 per hour for two staff hours devoted to the investigation.

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V. AUTHORITY AND PROCEDURE

This Amended Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Amended Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, 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 Brief Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Amended Statement of Charges.

Dated this 16th day of September, 2009.

[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

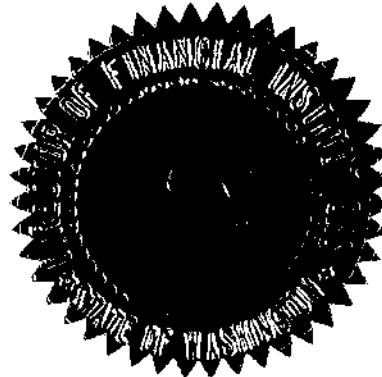
[Redacted Signature]

FATIMA BATIE
Financial Legal Examiner Supervisor

Approved by:

[Redacted Signature]

JAMES R. BRUSSELBACK
Enforcement Chief



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

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

SUREFAST MORTGAGE CORP,

Respondent.

NO. C-09-309-09-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND COLLECT
INVESTIGATION FEE

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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). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as 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 Surefast Mortgage Corp (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged.

1.2 Failure to File Mortgage Broker Annual Report. By March 31, 2009, Respondent was required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. As of the date of this Statement of Charges Respondent has not filed the 2008 mortgage broker annual report.

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

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STATEMENT OF CHARGES
Surefast Mortgage Corp
C-09-309-09-SC01

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
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II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement to File Mortgage Broker Annual Report. Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.290(1) and WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Impose Fine. Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a licensee or other person subject to the Act for any violations of the Act.

3.2 Authority to Collect Investigation Fee. Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person devoted to the investigation.

IV. NOTICE OF INTENTION TO ENTER ORDER

Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:

- 4.1** Respondent Surefast Mortgage Corp pay a fine of \$3,000; and
- 4.2** Respondent Surefast Mortgage Corp pay an investigation fee, which as of the date of these charges is \$96 calculated at \$48 per hour for two staff hours devoted to the investigation; and
- 4.3** Respondent Surefast Mortgage Corp file the 2008 annual report of mortgage broker activity.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, 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 Brief Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

Dated this 9th day of September, 2009.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

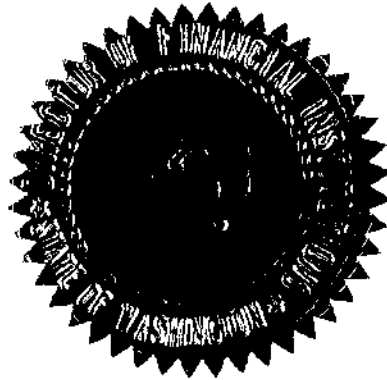


FATIMA BATIE
Financial Legal Examiner Supervisor

Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief



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