



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

EDDIE L. TURNER,
Loan Originator,

Respondent.

NO. C-07-500-09-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 34.05.440(2). On December 5, 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 6, 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 6, 2007, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent on December 6, 2007, by First-Class mail and Federal Express overnight delivery.

1 On December 17, 2007, Respondent filed an Application for Adjudicative Hearing. On
2 December 18, 2007, the Department made a request to the Office of Administrative Hearings (OAH)
3 to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of
4 Charges. On February 25, 2008, OAH issued a Notice of Re-Assignment of Administrative Law
5 Judge assigning ALJ Robert P. Kingsley (ALJ Kingsley) to preside over prehearing and hearing
6 proceedings and issue an Initial Decision. On April 3, 2008, ALJ Kingsley issued a Notice of Pre-
7 Hearing Conference by Telephone scheduling a prehearing conference on Tuesday, April 22, 2008, at
8 3:00 p.m. On April 22, 2008, the representative for the Department attended the telephonic prehearing
9 conference, but Respondent did not attend and ALJ Kingsley found him in default. On April 28, 2008,
10 Respondent submitted a written request to reset the Pre-Hearing Conference.
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12 On June 3, 2008, ALJ Kingsley issued a Second Notice of Pre-Hearing Conference by
13 Telephone scheduling a prehearing conference on Wednesday, June 25, 2008, at 11:00 a.m. On June
14 25, 2008, the representative for the Department and the Respondent attended the Pre-Hearing
15 Conference. ALJ Kingsley vacated the previously ordered default and scheduled a Pre-Hearing
16 Conference to argue the Department's Motion for Summary Judgment for August 26, 2008, at 9:00
17 a.m. On August 26, 2008, the Pre-Hearing Conference to argue the Department's Motion for
18 Summary Judgment was orally continued to a date to be set at a later time. On March 24, 2009, ALJ
19 Kingsley issued an Order of Continuance of Prehearing Conference scheduling a prehearing
20 conference for April 17, 2009, at 1:00 p.m. This order contained the following language, "You must
21 provide this office with a telephone number where you can be reached for the prehearing conference,
22 or a default or dismissal may be entered."
23

24 On April 17, 2009, the prehearing conference was convened by ALJ Kingsley at 1:00 p.m.
25 Respondent failed to appear and ALJ Kingsley was unable to contact Respondent at the last telephone

1 number provided by Respondent. The Department moved for an order of default based on
2 Respondent's failure to appear. On May 20, 2009, ALJ Kingsley issued an Order of Dismissal
3 Appellant Default dismissing the Respondent's appeal and sent the Order to the address in
4 Respondent's Application for Adjudicative Hearing.

5 Pursuant to RCW 34.05.440(3), Respondent had seven days from the date of service of the
6 Order of Default and Initial Order to file a written motion with OAH requesting that the Order of
7 Default and Initial Order be vacated, and stating the grounds relied upon. Respondent did not make a
8 request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211,
9 Respondent had 20 days from the date of service of the Order of Default and Initial Order to file a
10 Petition for Review of the Order of Default and Initial Order with the Director. Respondent did not
11 file a Petition for Review during the statutory period.
12

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

- 15 1. Statement of Charges, cover letter dated December 6, 2007, and Notice of
16 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 17 2. Application for Adjudicative Hearing;
- 18 3. Request to OAH for Assignment of Administrative Law Judge;
- 19 4. Notice of Re-Assignment of Administrative Law Judge dated February 25, 2008, with
20 documentation of service;
- 21 5. Notice of Pre-Hearing Conference by Telephone dated April 3, 2008, with
22 documentation of service;
- 23 6. Respondent's Request for Continuance date April 28, 2008;
- 24 7. Second Notice of Pre-Hearing Conference by Telephone dated June 3, 2008, with
25 documentation of service;
8. Prehearing Order dated July 16, 2008;

1 9. Order of Continuance of Prehearing Conference dated March 24, 2009; and

2 10. Order of Default and Initial Order dated May 20, 2009, with documentation of service.

3
4 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the
5 Director hereby adopts the Statement of Charges, which is attached hereto.

6 II. FINAL ORDER

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

9 A. IT IS HEREBY ORDERED, that Respondent Eddie L. Turner's application for a loan
10 originator license is denied.

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

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

22 C. Stay of Order. The Director's designee has determined not to consider a Petition
23 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
24 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.
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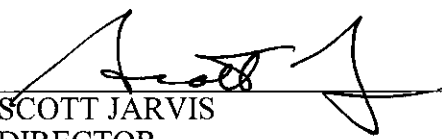
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D. Judicial Review. Respondent has the right to petition the superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

E. 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 22nd day of August 2009.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


SCOTT JARVIS
DIRECTOR