

1 Roberts) to preside over a prehearing and scheduling a prehearing on Wednesday, May 21, 2008 at
2 8:30 a.m. That Notice contained the following instruction to the parties: **“Your pre hearing will be**
3 **conducted by telephone. To register your appearance you must call the Office of Administrative**
4 **Hearings ten (10) minutes before the scheduled hearing time at”** That Notice also stated “A
5 party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding,
6 including a pre-hearing, may be held in default in accordance with RCW 34.05.440 and .434. If that
7 party failing to appear is the appellant, the matter may be dismissed without prejudice. If the party
8 failing to appear is the non-appellant the matter may proceed without that party.”

9
10 On May 27, 2008, ALJ Roberts issued a Notice of Continuance of Pre-Hearing Conference re-
11 scheduling the prehearing conference for Wednesday, June 11, 2008 at 1:30 p.m. This Notice
12 contained the same instructions that were contained in the May 2, 2008 Notice of Pre-Hearing
13 Conference.

14 On June 11, 2008, the prehearing conference hearing was convened by ALJ Roberts at 1:30
15 p.m. Respondent failed to appear. The Department moved for an order of default based on
16 Respondent’s failure to appear. On June 12, 2008, ALJ Roberts issued an Initial Order of Dismissal
17 (Initial Order) ordering that the Respondent was in default and dismissing the proceedings. On June
18 12, 2008, ALJ Roberts sent the Initial Order to the address provided by Respondent in his Application
19 for Adjudicative Hearing.

20 Pursuant to RCW 34.05.440(3), Respondent had seven (7) days from the date of service of the
21 Initial Order to file a written motion with OAH requesting that the Initial Order be vacated, and stating
22 the grounds relied upon. Respondent did not make a request to vacate during the statutory period.

23 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent had twenty (20) days from the date of
24

1 service of the Initial Order to file a Petition for Review of the Initial Order with the Director.

2 Respondent did not file a Petition for Review during the statutory period.

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

- 5 1. Statement of Charges, cover letter dated March 5, 2008, and Notice of Opportunity to
6 Defend and Opportunity for Hearing, with documentation of service;
- 7 2. Application for Adjudicative Hearing;
- 8 3. Request to OAH for Assignment of Administrative Law Judge;
- 9 4. Notice Pre-Hearing Conference dated May 2, 2008, with documentation of service;
- 10 5. Notice of Continuance of Pre-hearing Conference dated May 27, 2008, with
11 documentation of service;
- 12 6. Initial Order of Dismissal dated June 12, 2008.

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

15 II. FINAL ORDER

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

18 A. IT IS HEREBY ORDERED, That:

- 19 1. Respondent Robbie Troy Fuson's application for a loan originator license is denied;
20 and
- 21 2. Respondent Robbie Troy Fuson is banned from participation in the conduct of the
22 affairs of any mortgage broker subject to licensure by the Director, in any manner,
through February 1, 2015.

23 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
24 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition

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

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

9
10 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
11 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
12 Review made under chapter 34.05 RCW and RCW 34.05.550.

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

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

19
20 DATED this 16th day of December 2008.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


SCOTT JARVIS
DIRECTOR



ORDER --
ROBBIE TROY FUSON
C-08-073-08-FO01