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

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

RICHARD ALLEN TODHUNTER,

Respondent.

NO. C-09-082-09-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER DECLINING TO RENEW LICENSE
APPLICATION

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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 Richard Allen Todhunter (Respondent Todhunter) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Columbia Funding Group, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about February 3, 2009.

1.2 Prior Administrative Action. On January 24, 2008, the Oregon Department of Consumer and Business Services Division and Finance and Corporate Securities entered an Order to Cease and Desist, Order Assessing Civil Penalty and Consent to Entry of Order. That Order permanently barred Respondent Todhunter from applying for or obtaining a mortgage banker or mortgage broker license or registration in Oregon. It also permanently barred Respondent Todhunter from applying for or obtaining any securities, consumer finance, or

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

1 manufactured home dealer license or registration in Oregon. That Order also imposed a civil penalty in the
2 amount of \$15,000; of which payment of \$10,000 was suspended.

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

4 **2.1 Requirement to Demonstrate Character and General Fitness.** Based on the Factual Allegations set
5 forth in Section I above, Respondent Todhunter fails to meet the requirements of RCW 19.146.310(1)(g) and
6 WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness such as to command the
7 confidence of the community and to warrant a belief that the business will be operated honestly and fairly
8 within the purposes of the Act.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Decline to Renew Loan Originator License.** Pursuant to RCW 19.146.220(2), the
11 Director may decline to renew licenses to loan originators. Pursuant to RCW 19.146.310, the Director shall not
12 renew a loan originator license if the conditions of RCW 19.146.310 have not been met by the applicant, and
13 shall notify the loan originator applicant and any mortgage brokers listed on the application of the decline to
14 renew the license.

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

16 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
17 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
18 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.310.
19 Therefore, it is the Director's intention to ORDER that:

20 **4.1** Respondent Richard Allen Todhunter's application to renew loan originator license be declined.

21 **V. AUTHORITY AND PROCEDURE**

22 This Statement of Charges and Notice of Intention to Enter an Order Declining to Renew License
23 Application (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 11th day of August, 2009.
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6 DEBORAH BORTNER
7 Director
8 Division of Consumer Services
9 Department of Financial Institutions

10 Presented by:

11 
12 FATIMA BATIE
13 Financial Legal Examiner Supervisor

14 Approved by:

15 
16 JAMES R. BRUSSELBACK
17 Enforcement Chief

