



State of Washington

DEPARTMENT OF FINANCIAL INSTITUTIONS

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5 IN THE MATTER OF DETERMINING  
6 whether there has been a violation of the  
7 Securities Act of Washington by:

No. S-12-1000-12-FO01

FINAL ORDER

8 SHELBY HORATIO BELL,

9 Respondent.

10 I. DIRECTOR'S CONSIDERATION

11 A. Procedural History. This matter has come before the Director of the Department of  
12 Financial Institutions of the State of Washington ("Director") pursuant to RCW 34.05.464. On June  
13 29, 2012, the Director, through Securities Administrator, William M. Beatty, entered a Summary  
14 Order to Cease and Desist ("Summary Order") against SHELBY HORATIO BELL. The Summary  
15 Order, together with a Notice of Opportunity to Defend and Opportunity for Hearing, and an  
16 Application for Adjudicative Hearing, were served on Respondent Shelby Horatio Bell, by certified  
17 mail, on July 5, 2012. Respondent Shelby Horatio Bell, on July 18, 2012, submitted an Application for  
18 Adjudicative Hearing.

19 On September 27, 2012, the Department made a request to the Office of Administrative  
20 Hearings ("OAH") to assign an Administrative Law Judge ("ALJ") to schedule and conduct a hearing  
21 on the Summary Order. On October 17, 2012, OAH issued a Notice of Prehearing Conference from  
22 ALJ Steven C. Smith ("ALJ Smith"). The Notice of Prehearing Conference contained the following

1 language: **“You must participate in the conference. If you do not, a default may be entered. This**  
2 **means you lose the opportunity to further challenge the agency action.”** RCW 34.05.440.

3 On November 5, 2012, the Department’s representative, Assistant Attorney General Chad  
4 Standifer, attended the prehearing conference by telephone, but Respondent Shelby Horatio Bell failed  
5 to appear or otherwise contact OAH. On November 8, 2012, ALJ Smith issued an Initial Order of  
6 Default Dismissing Respondent’s Appeal for Failure to Appear.

7 Pursuant to RCW 34.05.440, Respondent Shelby Horatio Bell had twenty (20) days from the  
8 date of service of the Initial Order of Default to file a Petition for Review. Respondent Shelby Horatio  
9 Bell did not file a Petition for Review during the statutory period.

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

- 12 1. Summary Order to Cease and Desist, with documentation of service;
- 13 2. Application for Adjudicative Hearing for Shelby Horatio Bell;
- 14 3. Request to OAH for assignment of an ALJ;
- 15 4. Notice of Prehearing Conference, dated October 17, 2012, with certificate of  
16 service; and
- 17 5. Initial Order of Default Dismissing Respondent’s Appeal for Failure to Appear,  
dated November 8, 2012, with documentation of service.

18 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.461, the Director  
19 hereby adopts the Summary Order, which is attached hereto.

1 II. FINAL ORDER

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

4 A. IT IS HEREBY ORDERED that:

- 5 1. Respondent, SHELBY HORATIO BELL, shall cease and desist from any further  
6 violations of RCW 21.20.140; and  
7 2. Respondent, SHELBY HORATIO BELL, shall cease and desist from violations of  
8 RCW 21.20.010.

9 B. Reconsideration. Pursuant to RCW 34.05.470, the Respondent has the right to file a  
10 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
11 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
12 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 9033, Olympia,  
13 Washington 98504-1200, within ten (10) days of service of the Final Order upon the Respondent. The  
14 Petition for Reconsideration shall not stay the effectiveness of this order, nor is a Petition for  
15 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

1 D. Judicial Review. The Respondent has the right to petition the superior court for  
2 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements  
3 for filing a Petition for Judicial Review, see RCW 34.050.510 and sections following.

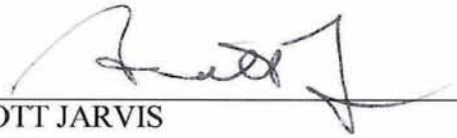
4 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
5 Department may seek its enforcement by the Office of Attorney General.

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

9  
10 DATED this 10<sup>th</sup> day of December 2012.



11 STATE OF WASHINGTON  
12 DEPARTMENT OF FINANCIAL INSTITUTIONS

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15 SCOTT JARVIS  
16 Director