

## Terms Completed

### ORDER SUMMARY – Case Number: C-07-142

**Name(s):** Jeremy Warren Gene Fishbaugh

**Order Number:** C-07-142-07-FO01

**Effective Date:** February 25, 2008

**License Number:** DFI: 36396

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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

**Not Apply Until:**

**Not Eligible Until:**

**Prohibition/Ban Until:**

<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:**



1 Conference scheduling a prehearing conference on Friday, August 31, 2007 at 11:30 a.m. That Order  
2 contained the following instruction to the parties: **"The parties shall notify the Office of**  
3 **Administrative Hearings with an appropriate telephone number where they can be reached for**  
4 **the conference."** That Order also noted "Parties who fail to attend or participate in the hearing or  
5 other stage of the adjudicative proceeding may be held in default."

6 On August 31, 2007, the prehearing conference was convened by ALJ Krabill at 11:30 a.m.  
7 Respondent failed to appear and ALJ Krabill was unable to contact Respondent as Respondent did not  
8 call in to provide OAH with a phone number where he could be reached for the conference. The  
9 Department moved for an order of default based on Respondent's failure to appear. On September 27,  
10 2007, ALJ Krabill issued an Order of Default (Order of Default) dismissing the hearing. On  
11 September 27, 2007, ALJ Krabill sent the Order of Default to the address in Respondent's  
12 Applications for Adjudicative Hearing.

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

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22 B. Record Presented. The record presented to the Director's designee for her review and  
23 for entry of a final decision included the following:  
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1. Statement of Charges, cover letter dated June 12, 2007, and Notice of Opportunity to Defend and Opportunity for Hearing, with documentation of service;
2. Application for Adjudicative Hearing;
3. Request to OAH for Assignment of Administrative Law Judge;
4. Order for Telephonic Prehearing Conference dated August 24, 2007, with documentation of service;
5. Order of Default dated September 27, 2007, with documentation of service.

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

## II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

Respondent Jeremy Warren Gene Fishbaugh's application for a loan originator license is denied.

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.

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

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

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

10 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
11 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
12 attached hereto.  
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14 DATED this 25<sup>th</sup> day of February, 2008.



15 STATE OF WASHINGTON  
16 DEPARTMENT OF FINANCIAL INSTITUTIONS

17   
18 DEBORAH BORTNER  
19 DIRECTOR  
20 DIVISION OF CONSUMER SERVICES  
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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:

JEREMY WARREN GENE FISHBAUGH,  
  
Respondent.

NO. C-07-142-07-SC01

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

**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)<sup>1</sup>. 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 Jeremy Warren Gene Fishbaugh (Respondent Fishbaugh)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under A+ Mortgage, a mortgage broker licensed under the Act. The on-line application was received by the Department on or about December 19, 2006.

**1.2 Prior Criminal Acts.** On March 7, 2001 Respondent Fishbaugh was convicted of violating RCW 9A.44.130, failure to register as a sex offender, in Pierce County Superior Court, a felony pursuant to RCW 9A.44.130(11)(a). On March 8, 2001, Respondent Fishbaugh was convicted of conspiracy to possess a controlled substance with intent to deliver, violating RCW 69.50.407 and RCW 69.50.401(a)(1)(iii), in Pierce County Superior Court, a felony pursuant to RCW 69.40.401.

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<sup>1</sup> RCW 19.146 (Amended 2006; Effective January 1, 2007)

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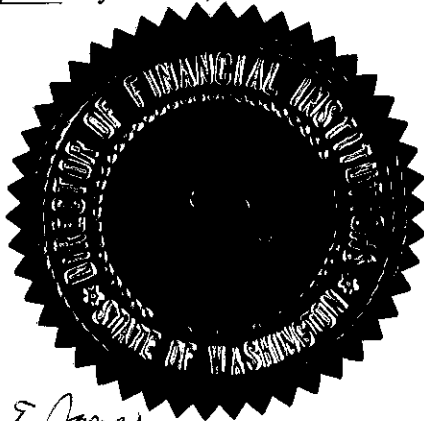
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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License Application  
3 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW  
4 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative  
5 Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF  
6 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of  
7 Charges.

8 Dated this 12<sup>th</sup> day of June, 2007.



13 Presented by:

14

15 Robert E. Jones  
16 ROBERT E. JONES  
Financial Legal Examiner

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

17 Approved by:

18

19 [Signature]  
20 FATIMA BATIE  
21 Financial Legal Examiner Supervisor