

Terms Completed

ORDER SUMMARY – Case Number: C-09-082

Name(s): Richard Allen Todhunter

Order Number: C-09-082-09-CO01

Effective Date: August 26, 2009

License Number: DFI: 37219 [NMLS: 114647]
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: n/a

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: n/a

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

Comments: Compliance exam to be conducted at Department's discretion and Respondent's expense (not to exceed \$750)

RECEIVED

AUG 25 2009

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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:

NO. C-09-082-09-CO01

RICHARD ALLEN TODHUNTER,
Respondent.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Richard Allen Todhunter, Loan Originator (hereinafter Respondent Todhunter), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-082-09-SC01 (Statement of Charges), entered August 7, 2009, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges. Respondent agrees not to contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER
C-09-082-09-CO01
Richard Allen Todhunter

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and hereby waives his right to a hearing and any and all administrative and
3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent,
4 by his signature below, withdraws his appeal to the Office of Administrative Hearings (OAH).

5 **C. License Application.** It is AGREED that Respondent's Loan Originator license application will be
6 returned to the Licensing Unit for processing.

7 **D. Compliance Examinations.** It is AGREED that Respondent is subject to a compliance examination
8 during the twelve (12) months following the entry of this Order. The Department will conduct the examination at
9 the Department's discretion, at Respondent's expense (not to exceed \$750). Respondent further AGREES to
10 promptly respond and address any and all issues, if any, identified in the compliance examination to the
11 satisfaction of the Department.

12 **E. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
13 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
14 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
15 pursuing such action, including but not limited to, attorney fees.

16 **F. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
17 this Consent Order, which is effective when signed by the Director's designee.

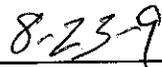
18 **G. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent
19 Order in its entirety and fully understands and agrees to all of the same.

20 **RESPONDENT:**

21 
22 _____

23 Richard Allen Todhunter
24 Individually

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Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 26th DAY OF August, 2009.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



FATIMA BATIE
Financial Legal Examiner Supervisor



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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.

4
5 
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