

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION

IN THE MATTER OF DETERMINING) Order No.: S-11-0620-13-FO02
Whether there has been a violation of the)
Securities Act of Washington by:) FINAL ORDER AS TO JOHN GRIFFITH
John Griffith,)
Respondent.)

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington ("Director") pursuant to RCW 34.05.464. On May 31, 2013, the Director, through Securities Administrator, William M. Beatty, entered a Statement of Charges and Notice of Intent to Issue Order to Cease and Desist, to Impose Fines and to Charge Costs, S-11-0620-13-SC02, ("Statement of Charges") against JOHN GRIFFITH. The Statement of Charges, together with a Notice of Opportunity to Defend and Opportunity for Hearing, and an Application for Adjudicative Hearing, were served on Respondent John Griffith, by certified mail on June 5, 2013. Respondent John Griffith, on June 13, 2013, submitted an Application for Adjudicative Hearing.

On October 7, 2013, OAH issued a Notice of Prehearing Conference from ALJ Leslie Birnbaum. The Notice of Prehearing Conference contained the following language: **"You must participate in the conference. If you do not, a default may be entered. This means that you lose the opportunity to further challenge the agency action."** RCW 34.05.440.

On December 2, 2013, the Department's representative, Assistant Attorney General Jeffrey G. Rupert, attended the prehearing conference by telephone, but Respondent John Griffith failed to appear or otherwise contact OAH. On December 4, 2013, ALJ Leslie Birnbaum issued an Order of Default against John Griffith and dismissed the Respondent's appeal.

1 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent John Griffith had twenty (20) days from the
2 date of service of the Order of Default to file a Petition for Review. Respondent John Griffith did not file a Petition
3 for Review during the statutory period.

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

- 6 1. Statement of Charges, with documentation of service;
- 7 2. Application for Adjudicative Hearing for John Griffith;
- 8 3. Notice of Prehearing Conference, dated October 7, 2013, with certificate of service; and
- 9 4. Order of Default, dated December 4, 2013, with certificate of service.

10 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.461, the Director hereby
11 adopts the Statement of Charges, which is attached hereto.

12 II. FINAL ORDER

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

15 A. IT IS HEREBY ORDERED that:

- 16 1. Respondent, JOHN GRIFFITH, shall cease and desist from any further violations of RCW
17 21.20.140; RCW 21.20.040 and RCW 21.20.010.
- 18 2. Respondent, JOHN GRIFFITH, shall be liable for and shall pay a fine of Ten Thousand Dollars
19 (\$10,000).
- 20 3. Respondent, JOHN GRIFFITH, shall be liable for and shall pay costs of Five Thousand Dollars
21 (\$5,000) for the investigation of their violations of the Securities Act of Washington, chapter
22 21.20. RCW.

23 B. Reconsideration. Pursuant to RCW 34.05.470, the Respondent has the right to file a Petition
24 for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the
25 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

1 service of the Final Order upon Respondents. The Petition for Reconsideration shall not stay the effectiveness of this
2 order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

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

6 C. Stay of Order. The Director has determined not to consider a Petition to Stay the effectiveness of
7 this order. Any such requests should be made in connection with a Petition for Judicial Review made under chapter
8 34.05 RCW and RCW 34.05.550.

9 D. Judicial Review. Respondents have the right to petition the superior court for judicial review
10 of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for
11 Judicial Review, see RCW 34.050.510 and sections following.

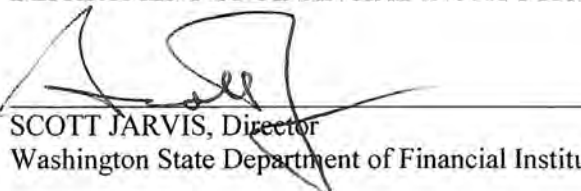
12 E. Non-compliance with Order. If you do not comply with the terms of this order, the Department
13 may seek its enforcement by the Office of Attorney General to include the collection of fines and fees imposed herein.

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

16 DATED this 15th day of January 2014.



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DEPARTMENT OF FINANCIAL INSTITUTIONS


SCOTT JARVIS, Director
Washington State Department of Financial Institutions