



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

DFI No.: S-17-2256-21-FO01

OAH No.: 03-2020-DFI-00097

FINAL ORDER AS TO BLAKE E.
ROBBINS

- Overlake Capital, LLC;
- Overlake Capital Real Estate Fund I, LLLP;
- Overlake Capital Real Estate Fund II, LLLP;
- Overlake Capital Absolute Fund I, LLLP;
- Overlake Capital REO 122, LLC;
- Overlake Capital REO 123, LLC;
- Overlake Capital REO 124, LLC;
- Overlake Capital REO 127, LLC;
- Overlake Capital REO 128, LLC;
- Seattle R/E Investments 61, LLC;
- Beaumont 23, LLC;
- Caraway Run, LLC;
- Paradise Harbour, LLC;
- 817 32nd Ave, LLC;
- Paul T. Thacker;
- Blake E. Robbins,

Respondents.

THIS MATTER has come before the Director (Director) of the Washington State Department of Financial Institutions (Department) for entry of the Director's Final Order pursuant to RCW 34.05.464.

1.0 PROCEDURAL HISTORY

On December 12, 2018, the Director, through Securities Administrator, William M. Beatty, entered a Statement of Charges and Notice of Intent to Issue an Order to Cease and Desist, Impose Fines, and Charge Costs, S-17-2256-18-SC01 (Statement of Charges) against Respondents Overlake Capital, LLC, Overlake Capital Real Estate Fund I, LLLP, Overlake Capital Real Estate Fund II, LLLP, Overlake Capital Absolute Fund I, LLLP, Overlake Capital REO 122, LLC, Overlake Capital REO 123, LLC, Overlake Capital REO

1 124, LLC, Overlake Capital REO 127, LLC, Overlake Capital REO 128, LLC, Seattle R/E Investments 61,
2 LLC, Beaumont 23, LLC, Caraway Run, LLC, Paradise Harbour, LLC, 817 32nd Ave, LLC, Paul T.
3 Thacker, and Blake E. Robbins. The Securities Division served the Statement of Charges, together with a
4 Notice of Opportunity to Defend and Opportunity for Hearing, and an Application for Adjudicative Hearing,
5 on the Respondents by first class mail on December 14, 2018. On January 10, 2019, Blake E. Robbins'
6 (Robbins) attorney, Wright Noel (Noel), submitted an Application for Adjudicative Hearing on behalf of
7 Robbins. On January 31, 2019, the Department received Applications for Adjudicative Hearing from the
8 other Respondents in this matter. On July 11, 2019, the Department entered into a Consent Order with all of
9 the Respondents in this matter, except for Robbins.

10 On March 5, 2020, the Department made a request to the Office of Administrative Hearings (OAH)
11 to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the Statement of
12 Charges as to Robbins. On April 9, 2020, OAH held a prehearing conference with ALJ Terry A. Schuh
13 (Schuh) presiding. Assistant Attorney General Ian McDonald (McDonald) appeared for the Department.
14 Noel appeared and represented Robbins at this prehearing conference.
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16 On April 16, 2020, OAH issued a Prehearing Conference Order, which set forth the case schedule in
17 this matter, including several prehearing deadlines and a two week hearing from March 22 to April 1, 2021.
18 The next day, on April 17, 2020, Noel served the Department with Respondent Robbins' First Set of
19 Interrogatories and Requests for Production to DFI. On June 18, 2020, the Department's Responses to
20 Respondent Robbins' First Set of Interrogatories and Requests for Production to DFI were produced to Noel.
21 Shortly after, on June 24, 2020, Noel sent McDonald a Notice of Withdrawal stating that he was no longer
22 representing Robbins in this matter.

23 On November 10, 2020, McDonald filed a letter with OAH requesting a status conference in this
24 matter because he had not heard from Robbins for several months (Robbins failed to respond to McDonald's
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1 multiple communications) and the Department was no longer certain that Robbins intended to defend himself
2 in the hearing scheduled in this matter. In response, on November 19, 2020, ALJ Schuh sent a letter to
3 McDonald, Noel, and Robbins, stating that he had not received notice that Noel had withdrawn from
4 representing Robbins in this matter. ALJ Schuh agreed to set a status conference to confirm that Robbins
5 intended to prosecute his appeal.

6 On November 23, 2020, OAH issued a Notice of Status Conference which set a status conference for
7 December 8, 2020. The Notice of Status Conference was served on Robbins the same day it was issued at
8 his address of record. The Notice of Status Conference contained the following language: **You must call in**
9 **to the conference. If you fail to call in, the administrative law judge may hold you in default and**
10 **dismiss your appeal. RCW 34.05.440(2)**

11 On December 8, 2020, McDonald appeared for the Department at the status conference, but
12 Respondent Robbins failed to appear or otherwise contact OAH. On December 8, 2020, ALJ Schuh issued
13 an Order Dismissing Appeal- Default (Order Dismissing Appeal), which dismissed the appeal due to
14 Robbins' default at the status conference.
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16 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondent Robbins had twenty (20) days from
17 the date of service of the Order Dismissing Appeal to file a Petition for Review. Respondent Robbins did
18 not file a Petition for Review during the statutory period.

19 **2.0 RECORD ON REVIEW**

20 The record presented to the Director for his review and for entry of a Final Order included the
21 following:

22 2.1 Statement of Charges;

23 2.2 Email from Wright Noel to DFI, dated January 10, 2019, submitting Robbins' Application
24 for Adjudicative Hearing;
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- 1 2.3 Application for Adjudicative Hearing for Blake E. Robbins;
- 2 2.4 Request to OAH for Assignment of Administrative Law Judge;
- 3 2.5 Notice of Prehearing Conference, entered March 19, 2020, with certificate of service;
- 4 2.6 Prehearing Conference Order, entered April 16, 2020, with certificate of service;
- 5 2.7 Email from Wright Noel to DFI, dated April 17, 2020, serving the Department with Robbins'
- 6 First Set of Interrogatories and Requests for Production to DFI;
- 7 2.8 Letter to Wright Noel, dated June 18, 2020, producing the Department's Responses to
- 8 Robbins' First Set of Interrogatories and Requests for Production to DFI;
- 9 2.9 Email from Wright Noel to Ian McDonald, dated June 24, 2020, submitting a Notice of
- 10 Withdrawal;
- 11 2.10 Wright Noel's Notice of Withdrawal, dated June 24, 2020;
- 12 2.11 Letter from Ian McDonald to ALJ Terry A. Schuh, dated November 10, 2020;
- 13 2.12 Letter from ALJ Terry A. Schuh to all parties, dated November 19, 2020, with certificate of
- 14 service;
- 15 2.13 Notice of Status Conference, entered November 23, 2020, with certificate of service; and
- 16 2.14 Order Dismissing Appeal- Default, entered December 8, 2020, with certificate of service.

17 3.0 FINDINGS OF FACT AND CONCLUSIONS OF LAW

18 Pursuant to RCW 34.05.461, the Director hereby adopts the Statement of Charges, which is attached

19 hereto.

20 4.0 FINAL ORDER

21 Based upon the foregoing, and the Director having considered the record and being otherwise fully

22 advised, NOW, THEREFORE, IT IS HEREBY ORDERED:

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1 4.1 Respondent Blake E. Robbins shall cease and desist from any further violations of RCW
2 21.20.040 and RCW 21.20.010.

3 4.2 Respondent Blake E. Robbins shall be liable for and shall pay a fine of \$20,000.

4 4.3 Respondent Blake E. Robbins shall be liable for and shall pay costs of \$10,000 for the
5 investigation and hearing of this matter.

6 5.0 RECONSIDERATION

7 Pursuant to RCW 34.05.470, the Respondent has the right to file a Petition for Reconsideration
8 stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the
9 Director of the Department of Financial Institutions by courier at 150 Israel Road SW, Tumwater,
10 Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10)
11 days of service of the Final Order upon the Respondent. The Petition for Reconsideration shall not stay the
12 effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in
13 this matter.

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

17 18 6.0 STAY OF ORDER

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

22 7.0 JUDICIAL REVIEW
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1 Respondent has the right to petition the superior court for judicial review of this agency action under
2 the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see
3 RCW 34.050.510 and sections following.

4 8.0 NON-COMPLIANCE WITH ORDER


5 If Respondent does not comply with the terms of this order, the Department may seek its
6 enforcement by the Office of Attorney General to include the collection of fines and fees imposed herein.
7 Failure to comply with this Final Order may also prompt additional actions against Respondent by the
8 Department as permitted by the Securities Act of Washington, Chapter 21.20 RCW, for failure to comply
9 with a lawful order of the Department.

10 9.0 SERVICE

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

13 DATED this 5th day of April 2021.

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15 STATE OF WASHINGTON
16 DEPARTMENT OF FINANCIAL INSTITUTIONS

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19 CHARLES E. CLARK, Director
20 Washington State Department of Financial Institutions