

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of:

Case No. M-16-0301

HOME FUNDING NETWORK INC.,
NMLS 103342

ORDER TO CEASE AND DESIST,
ASSESSING CIVIL PENALTY AND
CONSENT TO ENTRY OF ORDER

Respondent.

The Director of the Department of Consumer and Business Services for the State of Oregon (“Director”) conducted an investigation of Home Funding Network Inc. (“Respondent”) and determined that Respondent engaged in activities constituting a violation Oregon Revised Statutes (“ORS”) 86A.100 et seq. and Oregon Administrative Rule 441-850-0005 through 441-885-0010 (“Oregon Mortgage Lender Law”).

Respondent wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the signature(s) subscribed on this Order, Respondent hereby CONSENTS to entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a domestic corporation first incorporated on May 1, 2007.
2. Respondent, NMLS #103342, obtained an Oregon mortgage broker license from the Division of Finance and Corporate Securities, now known as Division of Financial Regulation (“Division”) on April 25, 2006.
3. Respondent’s principle place of business is located at 1692 SW Fox Ave, Troutdale, OR 97060.

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387





1 4. In 2011 the Nationwide Mortgage Licensing System (“NMLS”) released the
2 mortgage call report (“MCR”) functionality. The MCR includes a licensed mortgage
3 broker or banker’s Residential Mortgage Loan Activity that is compiled and submitted by
4 the company to NMLS on a quarterly basis, and for standard filers like Respondent, a
5 financial condition report filed annually 90 days after the end of the company’s fiscal
6 year.

7 5. Respondent has reported that its fiscal year ends on December 31.

8 6. As such, the financial condition portion of the MCR for 2015 was due on
9 March 30, 2016.

10 7. Respondent had not filed the financial condition report of the MCR for 2015
11 by March 30, 2016, so on March 31, 2016, NMLS placed a deficiency on Respondent’s
12 license advising that the report was due.

13 8. On April 18, 2016, the Division sent an email to Respondent’s email address
14 of record notifying that the outstanding deficiency must be addressed by May 18, 2016 to
15 avoid a civil penalty.

16 9. The email was sent to tony.pham10@gmail.com which has been the email
17 address of record for Respondent at all times relevant to this order.

18 10. Also on April 18, 2016, the Division mailed a letter to Respondent’s principal
19 place of business reporting that the financial condition report of the MCR for 2015 had
20 not been filed, and if not filed by May 18, 2016, a civil penalty would be assessed.

21 11. On July 7, 2016, the Division left a voicemail for Anthony Pham, President of
22 Respondent, indicating that if the report was not filed by July 18, 2016 the matter would
23 be referred to enforcement.

24 12. Respondent filed the balance sheet for 2015, but did not file the required profit
25 and loss statement of the financial condition report of the MCR for 2015 on July 29,
26 2016.

1 13. Respondent filed the complete financial condition report of the MCR on
2 August 4, 2016.

3
4 CONCLUSIONS OF LAW

5 The Director CONCLUDES that:

6 14. Respondent failed to file the financial condition report of the MCR for 2015
7 by March 30, 2016 in violation of ORS 86A.112(2).

8 15. The Director, pursuant to ORS 86A.992, may assess civil penalties of up to
9 \$5,000 per violation of the Oregon Mortgage Lender Law.

10 ORDERS

11 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

12 16. As authorized by ORS 86A.127, the Director Orders Respondent to CEASE
13 AND DESIST from violating any provision of the Oregon Mortgage Lender Law or the
14 administrative rules promulgated thereunder.

15 17. Pursuant to ORS 86A.992, the Director hereby orders Respondent to pay a
16 civil penalty of \$1,000 for the violation of ORS 86A.112(2).

17 18. Half of the CIVIL PENALTY (\$500) assessed herein is due and payable at the
18 time this Order is returned to the Division.

19 19. The remainder of the CIVIL PENALTY is due on November 1, 2016. Failure
20 to pay will result in the immediate suspension of Respondent's mortgage lending license.

21 SO ORDERED this 3rd day of October, 2016.

22
23 PATRICK M. ALLEN, Director
24 Department of Consumer and Business Services

25 /s/ David Tatman
26 David C. Tatman, Chief of Enforcement
Division of Financial Regulation

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ENTITY CONSENT TO ENTRY OF ORDER

I, Anthony T. Pham, state that I am an officer of Home Funding Network Inc. and I am authorized to act on its behalf. I have read the foregoing order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. Home Funding Network Inc. voluntarily and without any force or duress consents to the entry of this order expressly waiving any right to a hearing in this matter Home Funding Network Inc. understands that the Director reserves the right to take further actions to enforce this order or to take appropriate action upon discovery of other violations of the Oregon Mortgage Lender Law. Home Funding Network Inc. will fully comply with the terms and conditions stated herein.

Home Funding Network Inc. understands that this order is a public document.

Home Funding Network Inc.

/s/ Anthony T. Pham
Signature

State of Oregon

County of Multnomah

There appeared before me on this 23rd day of September, 2016,

Anthony T, Pham who was first duly sworn on oath, and stated that s/he was and is an officer of Home Funding Network Inc. and that s/he is authorized and empowered to sign this Consent to Entry of Order on behalf of Home Funding Network Inc. and to bind Home Funding Network Inc. to the terms hereof.

/s/ Paul K. McMenemy
Notary Public

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