

1 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
2 DIVISION OF FINANCE AND CORPORATE SECURITIES
3 FINANCE SECTION
4 BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
5 STATE OF OREGON

6 In the Matter of

O-00-0019

7 ACCESS INTEGRITY FUNDING
8 CORP

CEASE AND DESIST ORDER AND
CONSENT TO IMPOSITION OF CIVIL
PENALTIES

9 To: Access Integrity Funding Corp
10 3990 SW Collins Way Suite 201
11 Lake Oswego, Oregon 97035

12 **WHEREAS** the Director of the Department of Consumer and Business Services
13 for the State of Oregon has conducted an investigation of Access Integrity Funding
14 Corp, and has determined that Access Integrity Funding Corp engaged in activities
15 constituting violations of ORS 59.840 through 59.965 (hereinafter "the Oregon Mortgage
16 Lender Law"); and

17 **WHEREAS** Access Integrity Funding Corp wishes to resolve and settle this
18 matter with the Director;

19 **NOW THEREFORE**, as evidenced by the authorized signatures subscribed on
20 this Order, Access Integrity Funding Corp hereby **CONSENTS** to entry of this order
21 upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

22 **FINDINGS OF FACT**

23 The Director **FINDS** that:

24 1. Access Integrity Funding Corp (hereinafter "AIFC") is an Oregon Corporation formed
25 on May 31, 1996. Nicole Zukas is the 100% owner of AIFC. Nicole Zukas is married
26 to Patrick Spear. The Division of Finance and Corporate Securities (hereinafter
"Division") first issued a mortgage banker/broker license to AIFC on June 27, 1996.

- 1 AIFC has been continuously licensed since June 27, 1996.
- 2 2. On or about February 18, 2000, James and Judith Manns filed a lawsuit against
- 3 AIFC Clackamas County suit number CCV0002451.
- 4 3. James and Judith Manns allege that AIFC breached their agreement and violated the
- 5 Unlawful Trade Practices Act by failing to advise or otherwise disclose the increase in
- 6 the interest rate and total loan costs, by failing to disclose financing options to lower the
- 7 rates and by failing to adequately disclose to the cost of AIFC's services.
- 8 4. The lawsuit filed by James and Judith Manns alleges that the breach of agreement
- 9 and violations of the Unlawful Trade Practices Act caused them financial damage and
- 10 they seek more than \$10,000 in damages from AIFC.
- 11 5. John Marandas, the registered agent for AIFC, was served with the lawsuit on or
- 12 about February 21, 2000.
- 13 6. On or about March 17, 2000, John Marandas filed a Notice of Intent to Appear on
- 14 behalf of AIFC.
- 15 7. As of May 8, 2000, AIFC had not notified the Division of the lawsuit.
- 16 8. On or about the Sunday March 19, 2000 edition, the Oregonian contained an ad for
- 17 "Access Integrity Mortgage" in the Update section.
- 18 9. On or about the Sunday April 2, 2000 edition, the Oregonian contained an ad for
- 19 "Access Integrity Mortgage" in the Update section.
- 20 10. Access Integrity Mortgage was not a licensed name nor was it a licensed dba
- 21 between March 1, 2000 and May 8, 2000.
- 22 11. On or about the Sunday April 2, 2000 edition, the Oregonian contained an ad for "1st
- 23 America's Mortgage Store" in the Update section.
- 24 12.. 1st America's Mortgage Store was not a licensed name nor was it a licensed dba
- 25 between March 1, 2000 and May 8, 2000.
- 26 13. According to Marsha Barsh of the Oregonian, the advertisements for Access

1 Integrity Mortgage and 1st America's Mortgage Store were placed by Patrick Spear.

2 14. On January 26, 1998, AIFC entered into a consent order with the Division
3 suspending payment of \$1,500. The consent order provided that if AIFC violated any
4 provision of Oregon's Mortgage Lender Law within the 3 year period beginning on
5 January 26, 1998, the suspended \$1,500 becomes due and payable.

6 **CONCLUSIONS OF LAW**

7 The Director **CONCLUDES** that:

8 1. AIFC failed to comply with the requirements of ORS 59.850(7) by failing to amend
9 the license when there were material changes in the information contained in the
10 application caused by the filing of the lawsuit.

11 2. AIFC failed to comply with the requirements of OAR 441-860-0070(1)(h) by failing
12 to notify the Division within 30 days of any changes in the information required on the
13 licensee's application form caused by the filing of the lawsuit.

14 3. AIFC violated 59.945(2) by using or causing to be published any advertisement that
15 identifies the mortgage banker or mortgage broker by any name other than the name
16 listed on the license issued by the Director when AIFC advertised using the names
17 "Access Integrity Mortgage" and "1st America's Mortgage Store".

18 **ORDER**

19 The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that Access Integrity
20 Funding Corp will **CEASE AND DESIST** from violating any provision of Oregon
21 Mortgage Lender Law.

22 The Director, pursuant to ORS 59.996 hereby **ORDERS** Access Integrity Funding
23 Corp to pay the State of Oregon a civil penalty of \$2,500.00. The civil penalty is based
24 upon \$500 for failing to amend the license, \$500 for publishing an unlicensed name, and
25 the \$1,500 portion of the civil penalty suspended as part of the 1998 consent order.

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1 The entry of this Order in no way limits further remedies which may be available
2 to the Director under Oregon law.

3 Dated this 25th day of September, 2000.

4 **MARY C. NEIDIG, ACTING DIRECTOR**
5 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

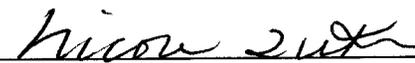
6
7
8 by 
9 **R.M. NOCKLEBY, ADMINISTRATOR**
10 **DIVISION OF FINANCE AND CORPORATE SECURITIES**

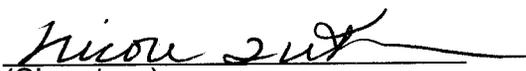
11 **CONSENT TO ENTRY OF ORDER**

12 I, Nicole Zukas, state that I am the President of Access Integrity Funding Corp,
13 and I am authorized to act on its behalf; that I have read the foregoing Order and that
14 I know and fully understand the contents hereof; that Access Integrity Funding Corp
15 admits the findings of fact herein, voluntarily consents to the entry of this Order without
16 further hearing, expressly waiving any right to a hearing in this matter; that Access
17 Integrity Funding Corp understands that the Director reserves the right to take further
18 actions to enforce this order or to take appropriate action upon discovery of other
19 violations of Oregon Mortgage Lender Law; and that Access Integrity Funding Corp will
20 fully comply with Oregon Mortgage Lender Law.

21 I understand that this Consent Order is a public document.

22 Dated this 14 day of September, 2000

23
24 By  President
(Office Held)

25
26 
(Signature)

CORPORATE ACKNOWLEDGMENT

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There appeared before me this 14th day of September, 2000,
Nicole Lukas, who was first duly sworn on oath, and stated that she was
and is the owner/president of Access Integrity Funding Corp and she is
authorized and empowered to sign this Consent to Entry of Order on behalf of Access
Integrity Funding Corp and to bind Access Integrity Funding Corp to the terms hereof.

Inger M. Hanawalt
Signature of Notary Public
Notary Public for the State of: Oregon
My Commission expires: April 10, 2001

