

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-00-0020

7 THE MARKETPLACE MORTGAGE
8 COMPANY

CEASE AND DESIST ORDER AND
CONSENT TO IMPOSITION OF CIVIL
PENALTIES

9 To: The Marketplace Mortgage Company
10 14780 SW Osprey Dr Suite 240
11 Beaverton Oregon 97007

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

17 **WHEREAS** The Marketplace Mortgage Company wishes to resolve and settle
18 this matter with the Director;

19 **NOW THEREFORE**, as evidenced by the authorized signatures subscribed on
20 this Order, The Marketplace Mortgage Company hereby **CONSENTS** to entry of this
21 order 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. The Marketplace Mortgage Company (hereinafter "TMMC") is an Oregon Corporation
25 formed on June 30, 1997. Nicole Zukas owns 51% of TMMC. Harvey Schnitzer owns
26 49% of TMMC. The Division of Finance and Corporate Securities (hereinafter "Division")
first issued a mortgage banker/broker license to TMMC on September 11, 1997. The

1 license expired on September 11, 1998. TMMC was not licensed again until November
2 13, 1998. The license was cancelled for failure to renew on November 15, 1999.
3 TMMC has not been licensed since November 15, 1999.

4 2. On or about, Sunday March 19, 2000, the Oregonian contained an ad for
5 "Marketplace Mortgage Co." in the Update section.

6 3. Marketplace Mortgage Co was not a licensed name nor was it a licensed dba
7 between March 1, 2000 and May 8, 2000.

8 CONCLUSIONS OF LAW

9 The Director **CONCLUDES** that:

10 1. The Marketplace Mortgage Company violated 59.945(2) by using or causing to be
11 published any advertisement that identifies the mortgage banker or mortgage broker by
12 any name other than the name listed on the license issued by the Director when The
13 Marketplace Mortgage Company advertised using the name "Marketplace Mortgage
14 Co."

15 ORDER

16 The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that The Marketplace
17 Mortgage Company will **CEASE AND DESIST** from violating any provision of Oregon
18 Mortgage Lender Law.

19 The Director, pursuant to ORS 59.996 hereby **ORDERS** The Marketplace
20 Mortgage Company to pay the State of Oregon a civil penalty of \$500.00. Payment of
21 the consent order must be delivered to the office of the Division no later than 5 p.m. on
22 February 1, 2001.

23 ///

24 ///

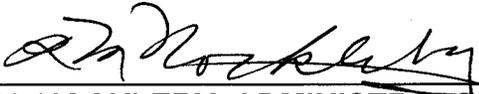
25 ///

26 ///

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

3
4 Dated this 25th day of September, 2000.

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

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

11
12
13 **CONSENT TO ENTRY OF ORDER**

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

23 \\\

24 \\\

25 \\\

26 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

I understand that this Consent Order is a public document.

Dated this 14 day of September 2000

By Nicole Zukas President
(Office Held)

Nicole Zukas
(Signature)

CORPORATE ACKNOWLEDGMENT

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

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

