

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

7 KILLION ENTERPRISES, INC. dba  
8 SPARTAN MORTGAGE

9 ORDER NO. O-02-0060

10 CEASE AND DESIST ORDER AND  
11 CONSENT TO IMPOSITION OF CIVIL  
12 PENALTIES

13 To: Killion Enterprises, Inc. dba Spartan Mortgage  
14 12020 SW Garden Place Park 217 Building 6  
15 Tigard, Oregon 97223

16 **WHEREAS** the Director of the Department of Consumer and Business Services  
17 for the State of Oregon (hereinafter "the Director") conducted an investigation of Killion  
18 Enterprises, Inc. dba Spartan Mortgage, and determined that Killion Enterprises, Inc.  
19 dba Spartan Mortgage engaged in activities constituting violations of ORS 59.840  
20 through 59.965 (hereinafter [the Oregon Mortgage Lender Law]); and

21 **WHEREAS** Killion Enterprises, Inc. dba Spartan Mortgage wishes to resolve and  
22 settle this matter with the Director;

23 **NOW THEREFORE**, as evidenced by the authorized signatures subscribed on  
24 this order Killion Enterprises, Inc. dba Spartan Mortgage hereby **CONSENTS** to entry  
25 of this order upon the Director's Findings of Fact and Conclusions of Law as stated  
26 hereinafter:

**FINDINGS OF FACT**

The Director **FINDS** that:

1. Killion Enterprises, Inc. dba Spartan Mortgage (hereinafter "Respondent"),  
incorporated in Oregon on June 6, 1995 engages in residential mortgage transactions



021104-026-002-001-0500-0100250000

1 in Oregon or on Oregon real property in expectation of compensation.

2 2. The Director has licensed Respondent to engage in Oregon residential  
3 mortgage lending since June 30, 1995.

4 3. Genevieve Killion owns 45% of Respondent. William Killion owns 40% of  
5 Respondent. Steven Killion owns the remaining 15% of Respondent.

6 4. On October 23, 2002, the Director conducted an examination of the books  
7 and records of Respondent.

8 5. The Director noted in the examination that Respondent did not maintain a  
9 copy of the Truth in Lending disclosure in the borrower files as required by OAR 441-  
10 865-0060(1)(g) in any of the five borrower files reviewed.

#### 11 **CONCLUSIONS OF LAW**

12 The Director **CONCLUDES** that:

13 1. Respondent violated OAR 441-865-0060(1)(g) by failing to maintain copies of the  
14 Truth in Lending disclosure in the borrowers' files in each of the five borrower files that  
15 were reviewed in the examination.

#### 16 **ORDER**

17 The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that Killion  
18 Enterprises, Inc. dba Spartan Mortgage will **CEASE AND DESIST** from violating any  
19 provision of Oregon Mortgage Lender Law, OAR 441-850-0005 through 441-885-0010  
20 and any rule, order, or policy issued by the Division.

21 The Director, pursuant to ORS 59.996 hereby **ORDERS** Killion Enterprises, Inc.  
22 dba Spartan Mortgage to pay the State of Oregon a civil penalty of \$5,000 for the  
23 violation of OAR 441-865-0060(1)(g).

24 The Director suspends payment of \$2,500 of the assessed civil penalty for a  
25 three-year period. If in the period between the date of the Order to three years from the  
26 date of the Order, Killion Enterprises, Inc. dba Spartan Mortgage violates any provision

1 of the Oregon Mortgage Lender Law, OAR 441-850-0005 through 441-885-0010 or any  
2 rule, order, or policy issued by the Division, the suspended portion of the assessed civil  
3 penalty will become immediately due and payable. If Killion Enterprises, Inc. dba  
4 Spartan Mortgage does not violate the Oregon Mortgage Lender Law, OAR 441-850-  
5 0005 through 441-885-0010 or any rule, order, or policy issued by the Division in three  
6 years from the date of the Order, the suspended portion of the civil penalty is waived.

7 The date of this order is the day the Director signs the order. The entry of this  
8 Order in no way limits further remedies which may be available to the Director under  
9 Oregon law.

10 Dated this 8<sup>th</sup> day of March, 2003.

11 **MARY C. NEIDIG, DIRECTOR**  
12 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

13  
14  
15 by David Tubman for  
16 **FLOYD G. LANTER, ADMINISTRATOR**  
**DIVISION OF FINANCE AND CORPORATE SECURITIES**

17  
18 **CONSENT TO ENTRY OF ORDER**

19 I, Genevieve E. Killian, state that I am the  
20 President of Killion Enterprises, Inc. dba Spartan Mortgage, and I am  
21 authorized to act on its behalf; that I have read the foregoing Order and that I know and  
22 fully understand the contents hereof; that Killion Enterprises, Inc. dba Spartan Mortgage  
23 admits the findings of fact herein, voluntarily consents to the entry of this Order without  
24 further hearing, expressly waiving any right to a hearing in this matter; that Killion  
25 Enterprises, Inc. dba Spartan Mortgage understands that the Director reserves the right  
26 to take further actions to enforce this order or to take appropriate action upon discovery

1 of other violations of Oregon Mortgage Lender Law; and that Killion Enterprises, Inc. dba  
2 Spartan Mortgage will fully comply with Oregon Mortgage Lender Law.

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

4 Dated this 3<sup>rd</sup> day of February, 2004.

5 By Genevieve E-Killion President  
6 (Office Held)

7 Genevieve E Killion  
8 (Signature)

9  
10 **CORPORATE ACKNOWLEDGMENT**

11 There appeared before me this 3<sup>rd</sup> day of February, 2004,  
12 Genevieve E. Killion, who was first duly sworn on oath, and stated that s/he was  
13 and is the President of Killion Enterprises, Inc. dba Spartan Mortgage and  
14 she is authorized and empowered to sign this Consent to Entry of  
15 Order on behalf of Killion Enterprises, Inc. dba Spartan Mortgage and to bind Killion  
16 Enterprises, Inc. dba Spartan Mortgage to the terms hereof.

17  
18 Janice J. Oxley  
19 Signature of Notary Public  
20 Notary Public for the State of: Oregon  
21 My Commission expires: 8/30/2004

