

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

5 In the Matter of:

M-04-0004

6 GARRETT JOHN SYTSMA and ALL
7 SEASONS MORTGAGE SERVICES,
8 INC.,
9 Respondents.

ORDER TO REVOKE MORTGAGE
BANKER/BROKER LICENSE OF ALL
SEASONS MORTGAGE SERVICES, INC.,
ORDER TO BAR GARRETT JOHN SYTSMA
FROM LOAN ORIGATION ACTIVITY,
ORDER TO IMPOSE CIVIL PENALTIES, AND
CONSENT TO ENTRY OF ORDER

10
11 WHEREAS the Director of the Department of Consumer and Business Services
12 (hereinafter, "the Director") has conducted an investigation of certain business activities
13 conducted by Respondents Garrett John Sytsma and All Seasons Mortgage Services, Inc.
14 and has determined that Respondents Garrett John Sytsma and All Seasons Mortgage
15 Services, Inc. have violated provisions of the Oregon Mortgage Lender Law, ORS 59.840
16 to 59.980; and

17 WHEREAS the parties wish to resolve and settle these matters;

18 NOW THEREFORE, as evidenced by the authorized signatures subscribed on this
19 Order, Respondents Garrett John Sytsma and All Seasons Mortgage Services, Inc. hereby
20 CONSENT to entry of this Order upon the DIRECTOR'S Findings of Fact and Conclusions
21 of Law as stated hereinafter.

22 FINDINGS OF FACT

23 The Director FINDS that:

24 1. All Seasons Mortgage Services, Inc. (hereinafter, "All Seasons") is a mortgage
25 broker that is licensed in Oregon, with a principal place of business at 1051 NE 4th Street,
26 Bend, Oregon 97701. The Oregon mortgage banker/broker license number for All

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1 Seasons is #ML-40.

2 2. Garrett John Sytsma (hereinafter, "Sytsma") is an Oregon resident who resides
3 at 18040 Fadjur Lane, Sisters, Oregon. Sytsma owns and controls All Seasons. Sytsma is
4 listed in Oregon as a loan originator employed by All Seasons.

5 3. On August 29, 2002, the Director issued Sytsma and All Seasons a Notice
6 Order, #O-02-0031-01, proposing to revoke All Seasons' mortgage banker/broker license.
7 Subsequently, through legal counsel, Sytsma and All Seasons entered into a Consent
8 Order with the Director to cease and desist from violating the Oregon Mortgage Lender
9 Law (ORS 59.840-59.980), to pay a civil financial penalty, and to suspend Sytsma from
10 serving in a managerial capacity at All Seasons or from conducting any mortgage lending
11 activity in Oregon. The suspension was for a five year period of time.

12 4. The Consent Order, in #O-02-0031, was presented to Sytsma, through his
13 attorney, on August 19, 2003. Sytsma signed the Corporate Consent to Entry of Order, on
14 behalf of All Seasons, and the Consent to Entry of Order, on behalf of himself, on
15 November 12, 2003. Pursuant to the terms of the Consent Order, Sytsma appointed a
16 putative manager of All Seasons, Maureen Stapp, on November 13, 2003. Sytsma made
17 the first payment on the civil penalty on October 15, 2003.

18 5. The Director executed the Order to Cease and Desist, Order Assessing
19 Civil Penalties, Order of Suspension from Mortgage Industry, and Consent to Entry of
20 Orders, #O-02-0031 (hereinafter, "the Director's Order #O-02-0031") on December 5,
21 2003.

22 6. The Consent to Entry of Order, signed by Sytsma, states: "...I will fully comply
23 with the terms and conditions stated herein. I acknowledge that the failure to comply with
24 the terms of this Order could lead to the revocation of All Season's mortgage lender
25 license."

26 7. The Director's Order #O-02-0031 states at pp. 7-8: "Respondents Garrett John

1 Sytsma and All Seasons **FURTHER AGREE AND CONSENT** that should the Director
2 determine, after notice and an opportunity for a hearing, that either Garrett John Sytsma or
3 All Seasons have violated any term of this Order, or any provision of the Oregon Mortgage
4 Lender Law, or Oregon Administrative Rules promulgated under the Oregon Mortgage
5 Lender Law, the suspended portion of this penalty shall be immediately due and payable
6 and the mortgage broker license of All Seasons shall be immediately revoked."

7 1. On pages 6-7, Paragraph 4, of the Director's Order #O-02-0031, the Director
8 ordered the following: "Within thirty days of the entry of this Order, Respondent Garrett
9 John Sytsma shall transfer his ownership interest in All Seasons to a limited liability
10 company formed for the purpose of holding and maintaining ownership, possession and
11 control of the stock in All Seasons."

12 9. On page 7, Paragraph 5, lines 3-7 of the Director's Order #O-02-0031, the
13 Director ordered the following: "Respondent Garrett John Sytsma shall have no
14 management authority or control over the limited liability company (unless both the named
15 managers resign, die, or become incompetent) and shall have no access to or authority
16 over client funds."

17 10. On page 7, Paragraph 6, lines 15-17 of the Director's Order #O-02-0031, the
18 Director ordered the following: "Respondent Garrett John Sytsma is prohibited from
19 engaging in any activity or business that comes under the scope of regulation of the
20 Director pursuant to the Oregon Mortgage Lender Law, ORS 59.840 to 59.980."

21 11. Sytsma and All Seasons have failed to make any civil penalty payments in
22 December 2003, January 2004, or February 2004, as required by terms of the Director's
23 Order #O-02-0031. Sytsma and All Seasons are in default of the Director's Order #O-02-
24 0031.

25 12. On or about December 11, 2003, Timothy C. Spencer, a financial examiner
26 employed the Division of Finance and Corporate Securities, conducted an on-site

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1 examination of the All Seasons office located at 1051 NE 4th Street in Bend, Oregon and
2 observed that Sytsma "provides direct oversight of the business and is actively engaged in
3 the mortgage origination business." Specifically, Mr. Spencer observed loan files and rate
4 sheets on Sytsma's desk.

5 13. Sytsma, on behalf of All Seasons, sent a written response, dated
6 March 2, 2004, to the Director addressing the examination report prepared by Mr.
7 Spencer.

8 14. On or about November 13, 14, and 17, 2003, after signing the Director's Order
9 #O-02-0031, Sytsma signed a total of six checks issued from the All Seasons business
10 and/or client trust account.

11 15. On or after December 5, 2003, Sytsma visited a potential borrower's home
12 and offered to negotiate a mortgage loan in Oregon for the potential borrower.

13 16. On or after December 5, 2003, Sytsma visited the office of another mortgage
14 banker/broker and submitted a written request for the assignment of a potential borrower's
15 file.

16 17. On or after December 5, 2003, Sytsma contacted an appraiser and ordered the
17 assignment of an appraisal to All Seasons. Sytsma directed the appraiser to send the final
18 appraisal document to All Seasons.

19 CONCLUSIONS OF LAW

20 The Director **CONCLUDES** that:

21 1. Sytsma and All Seasons have failed to comply with an Order of the Director,
22 because Sytsma engaged in an activity or business that comes under the scope of
23 regulation of the Director pursuant to the Oregon Mortgage Lender Law, ORS 59.840 to
24 59.980. By failing to comply with an Order of the Director, Sytsma and All Seasons
25 violated ORS 59.865 and ORS 59.971.

26 2. Sytsma and All Seasons have failed to comply with an Order of the Director,

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1 because Sytsma had access to or authority over client funds after December 5, 2003, in
2 violation of the Director's Order #O-02-0031, ORS 59.865 and ORS 59.971.

3 3. Sytsma and All Seasons have failed to comply with an Order of the Director,
4 by failing to make civil penalty payments in December 2003, January 2004 and February
5 2004, as required by the Director's Order #O-02-0031, in violation of ORS 59.865 and
6 ORS 59.971.

7 4. Sytsma and All Seasons have failed to comply with an Order of the Director
8 by failing to transfer actual management authority and control of All Seasons to a licensed
9 and experienced manager, in violation of the Director's Order #O-02-0031, ORS 59.865
10 and ORS 59.971.

11 5. Sytsma continued to serve as the manager of the All Seasons' mortgage
12 lender business, in violation of the Director's Order #O-02-0031, ORS 59.865 and
13 ORS 59.971.

14 ORDER

15 Therefore, pursuant to ORS 59.865, 59.885(4), and 59.996, the Director **ORDERS:**

16 1. Pursuant to ORS 59.865, the Director hereby **REVOKES** the mortgage
17 banker/ broker licenses of Respondents Garrett John Sytsma and All Seasons Mortgage
18 Services, Inc., for violating an order of the Director, specifically, the Director's Order #O-
19 02-0031;

20 2. Pursuant to the authority of ORS 59.865, ORS 59.870, and ORS 59.971, the
21 Director hereby **BARS** Respondent Garrett John Sytsma from the activities of a loan
22 originator, for violating an order of the Director, specifically, the Director's Order #O-02-
23 0031; and

24 3. Pursuant to the authority of ORS 59.996, the DIRECTOR hereby
25 **ASSESES a CIVIL PENALTY** in the amount of \$50,000 (fifty thousand dollars) against
26 Respondents Garrett John Sytsma and All Seasons Mortgage Services, Inc., jointly and

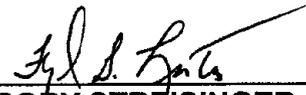
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1 severally, the payment of \$45,000 (forty-five thousand dollars) of which is suspended so
2 long as Respondents are in full compliance with all terms of this Order; **PROVIDED**
3 **HOWEVER**, that the suspended portion of the this penalty will be immediately due and
4 payable upon a determination by the Director that any Respondent has violated any term
5 of this Order, or any provision of ORS Chapter 59 and Oregon Administrative Rules
6 Chapter 441. The \$5,000 hereby owed and due is in addition to the \$12,000 balance
7 currently owed under Order #O-02-0031. The Respondents owe a total of **\$17,000**
8 Respondents will pay \$2,500 of the civil penalty at the time of execution of this Order, and
9 will pay the remaining \$14,500 portion of the due and payable civil penalty in monthly
10 installments of no less than \$2,000 beginning the first month following the date of
11 execution of this Order. Payments will be due on or before the tenth day of each month. If
12 Respondents fail to comply with the payment schedule, are late with a monthly payment,
13 or skip a monthly payment, then the entire unpaid portion of the civil penalty, including but
14 not limited to, the \$45,000 (forty-five thousand dollars) suspended portion of the civil
15 penalty in this Order, will become immediately due and payable.

16 The entry of this Order does not limit further remedies that may be available to the
17 Director under Oregon law.

18 Dated this 29th day of April, 2004, at Salem, Oregon.

19
20 
21 **CORY STREISINGER, DIRECTOR**
22 **DEPARTMENT OF CONSUMER AND**
23 **BUSINESS SERVICES**

24 **CONSENT TO ENTRY OF ORDER**

25 I, Garrett John Sytsma, state that I am a resident of the State of Oregon, that I have read
26 the foregoing Order and that I know and fully understand the contents hereof; that I

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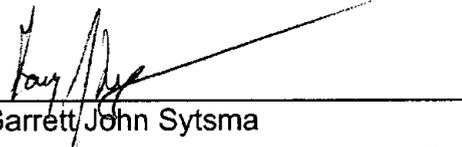
1 execute this consent as a settlement of the matter referred to in the Order; that I have
2 been advised of my right to a hearing; that I voluntarily consent to the entry of this Order;
3 that I am voluntarily consenting without any force or duress, expressly waiving any right to
4 a hearing in this matter; that I understand that the Director reserves the right to take further
5 actions against me to enforce this Order or to take appropriate action upon discovery of
6 other violations of the Oregon Mortgage Lender Law by me; and that I will fully comply with
7 the terms and conditions stated herein. I acknowledge that the failure to timely pay the civil
8 penalty will make the entire civil penalty due and owing immediately.

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

10 Dated this 29th day of April, 2004.

11

12


Garrett John Sytsma

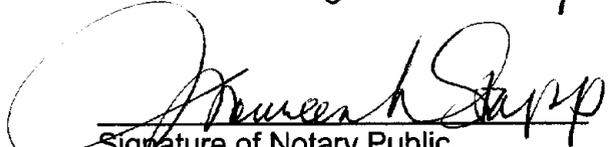
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14

SUBSCRIBED AND SWORN to before me this 29th day of April,

15 2004.

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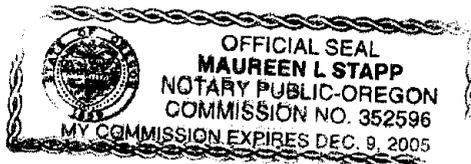

Signature of Notary Public

17

Maureen L. Stapp
(Printed Name of Notary Public)

18

19



Notary Public

for the State of: Oregon

20

My commission expires: 12/9/2005

21

22

CORPORATE CONSENT TO ENTRY OF ORDER

23

[for Garrett John Sytsma on behalf of All Seasons
Mortgage Services, Inc. ("All Seasons")]

24

25

26

I, Garrett John Sytsma, state that I am _____ (office held) of All Seasons

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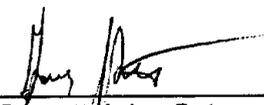
1 and I am authorized to act on its behalf; that I have read the foregoing Order and that I
2 know and fully understand the contents hereof; that I and this entity have been advised of
3 the right to a hearing and of the right to be represented by counsel in this matter; that All
4 Seasons voluntarily consents to the entry of this Order; that I voluntarily consent without
5 any force or duress, expressly waiving any right to a hearing in this matter; that I
6 understand that the Director reserves the right to take further actions against All Seasons
7 to enforce this Order or to take appropriate action upon discovery of other violations of the
8 Oregon Mortgage Lender Law by the company; and that All Seasons will fully comply with
9 the terms and conditions stated herein.

10 All Seasons acknowledges that the failure to timely pay the civil penalty will make
11 the entire civil penalty due and owing immediately.

12 All Seasons understands that this Consent Order is a public document.

13 Dated this 29th day of April, 2004.

14 ALL SEASONS MORTGAGE SERVICES, INC.

15
16 By 
17 Garrett John Sytsma
18 Administrator
19 (Office Held)

20 **CORPORATE ACKNOWLEDGMENT**

21 There appeared before me this 29th day of April, 2004, Garrett John Sytsma, who
22 was first duly sworn on oath, and stated that he is or was Administrator (office held)
23 of All Seasons Mortgage Services, Inc., and that he is authorized and empowered to sign

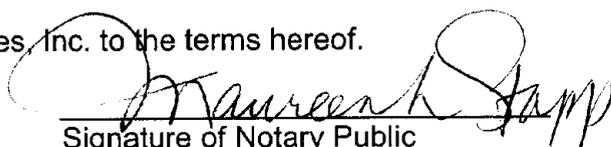
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26 ///



1 this Consent to Entry of Order on behalf of All Seasons Mortgage Services, Inc., and to
2 bind All Seasons Mortgage Services, Inc. to the terms hereof.

3 
Signature of Notary Public

4 Maureen L. Stapp
5 (Printed Name of Notary Public)

6 Notary Public
7 for the State of: Oregon

8 My commission expires: 12/9/2005
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