

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

6 In the Matter of:) M-04-0008
7)
8 AMERICA ONE FINANCE, INC.) ORDER TO CEASE AND DESIST
9) ORDER ASSESSING CIVIL PENALTIES
10)
11 Respondents.) And
12) CONSENT TO ENTRY OF ORDER
13)
14)
15)
16)
17)
18)

13 WHEREAS the Director of the Department of Consumer and
14 Business Services for the State of Oregon (hereinafter "the
15 Director") conducted an investigation of America One Finance,
16 Inc. and determined that America One Finance, Inc. engaged in
17 activities constituting violations of ORS 59.840 through 59.965
18 (hereinafter cited as the Oregon Mortgage Lender Law); and

19 WHEREAS America One Finance, Inc., wishes to resolve and
20 settle this matter with the Director,

21 NOW THEREFORE, as evidenced by the authorized signature
22 subscribed on this order, America One Finance, Inc. hereby
23 CONSENTS to entry of this order upon the Director's Findings of
24 Fact and Conclusions of Law as stated hereinafter:

25 FINDINGS OF FACT

26 The Director FINDS that:

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



1 1. America One Finance, Inc. (hereinafter, "Respondent"
2 or "America One"), a foreign corporation authorized to do
3 business in Oregon, engages in residential mortgage transactions
4 in Oregon or on Oregon real property in expectation of
5 compensation. America One's principal place of business is
6 15110 21st Dr., SE, Mill Creek, WA 98012. At all times hereto,
7 America One was licensed as residential mortgage lender in the
8 State of Oregon. The Oregon mortgage lender license number for
9 America One is ML2241. America One has numerous branch offices,
10 in Oregon and Washington, authorized to do residential mortgage
11 transactions in Oregon.

12 2. Matt Simmons is the president and chief executive for
13 America One. His business address is 15110 21st Dr., SE, Mill
14 Creek, WA 98012.

15 3. At all times material herein, America One did not have
16 a licensed branch office at 1051 NE Fourth St., Bend OR 97701.
17 At all times material herein, Maureen Stapp and Heather Gohde
18 were not certified to act as loan originators for America One.

19 4. On or about April 5, 2004, discussions were initiated
20 between Matt Simmons and representatives of DFCS about America
21 One taking over operations or operating a branch office at 1051
22 NE Fourth St., Bend OR 97701. That location had been the office
23 of All Seasons Mortgage Services, Inc. ("All Seasons") (#ML40).
24 All Seasons, through it's principal Gary Sytsma, was served on
25 March 29, 2004 with a Notice Order to Revoke the All Seasons'
26 mortgage lender license.

1 5. While discussions took place concerning the All
2 Seasons' license, Mr. Simmons decided that he would open a
3 branch office of America One at 1051 NE Fourth St., Bend OR
4 97701 under the name of America One. The office would be
5 managed by Maureen Stapp. Ms. Stapp had been a long-term member
6 of the All Seasons' staff.

7 6. On April 20, 2004, America One submitted a "Mortgage
8 Lender New Branch Application" application for the 1051 NE
9 Fourth St., Bend OR 97701 location. The application was
10 received at DFCS on April 23, 2004. At the same time, America
11 One submitted loan originator applications for four people,
12 including Maureen Stapp and Heather Gohde.

13 7. On or about April 23, 2004 DFCS representatives, Dale
14 Laswell and David Tatman spoke with Maureen Stapp about activity
15 at the 1051 NE Fourth St., Bend OR 97701 office. She stated
16 that two loan applications had already been taken from consumers
17 in the name of America One at that location.

18 8. On or about April 27, 2004, two DFCS examiners, James
19 Flaherty and William Hansen, conducted an office exam at 1051 NE
20 Fourth St., Bend OR 97701. They received copies of three loan
21 applications taken at the 1051 NE Fourth St., Bend OR 97701
22 office by Maureen Stapp and Heather Gohde on behalf of America
23 One.

24 9. America One was licensed by the Director to transact
25 business as a residential mortgage lender at 1051 NE Fourth St.,
26 Bend OR 97701 on May 4, 2004. The four loan originators,

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1 including Maureen Stapp and Heather Gohde were also certified as
2 loan originators at that location on May 4, 2004.

3 **CONCLUSIONS OF LAW**

4 The Director **CONCLUDES** that:

5 1. America One, by failing to provide notification of its
6 intent to operate a branch office at least 30 days prior to
7 commencing branch operations, violated ORS 59.950(2).

8 2. America One, by failing to diligently supervise and
9 control the mortgage-related activity of its loan originators at
10 1051 NE Fourth St., Bend OR 97701, violated ORS 59.865(15).

11 **ORDER**

12 The Director, pursuant to ORS 59.245 hereby **ORDERS** that
13 Respondent America One Finance, Inc., and any successor business
14 or corporation, shall **CEASE and DESIST** from:

15 1. Violating any provision of the Oregon Mortgage Lender
16 Law, ORS 59.840 through 59.980, OAR 441-850-0010 through 441-
17 885-0010 and any rule, order or policy issued by the Director.

18 The Director hereby **ORDERS** that Respondent America One
19 shall neither employ nor contract to use any unauthorized loan
20 originator in any Oregon-licensed branch office. Further, the
21 Director **ORDERS** that Respondent America One shall diligently
22 supervise all employees and loan originators at all Oregon-
23 licensed branch offices.

24 The Director, pursuant to ORS 59.995, hereby **ORDERS** the
25 following **CIVIL PENALTY**:

26 Respondent America One shall pay \$5,000 for violation of

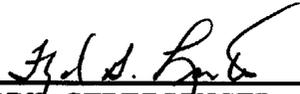
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1 ORS 59.950(2) and \$5,000 for violation of ORS 59.865(15) for a
2 total of \$10,000. The Director further suspends \$7,500 of the
3 civil penalty so long as Respondent America One is in full
4 compliance with this Order: **PROVIDED HOWEVER** that the suspended
5 portion of the penalty will be immediately due and payable upon
6 a determination by the Director that Respondent America One has
7 violated any term of this Order or any provision of the Oregon
8 Mortgage Lender Law or applicable administrative rules (OAR 441-
9 850-0010 through 441-885-0010). The remaining \$2,500 is due and
10 payable at the time of entry of the Order.

11 The entry of this Order in no way limits further remedies
12 which may be available under Oregon Law.

13 Dated this 14th day of JUNE, 2004, at
14 Salem, Oregon.

15 
16 **CORY STREISINGER, DIRECTOR**
17 **DEPARTMENT OF CONSUMER & BUSINESS**
18 **SERVICES**

19 **CORPORATE CONSENT TO ENTRY OF ORDER**

20 for Matt Simmons on behalf of America One Finance, Inc.

21 I, Matt Simmons, state that I am an officer of America One
22 Finance, Inc. and I am authorized to act on its behalf; that I
23 have read the foregoing Order and that I know and fully
24 understand the contents hereof; that I and this entity have been
25 advised of the right to a hearing and of the right to be
26 represented by counsel in this matter; that America One Finance,
Inc. voluntarily and without any force or duress, consents to

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1 the entry of this Order, expressly waiving any right to a
2 hearing in this matter; that America One Finance, Inc.
3 understands that the Director reserves the right to take further
4 actions to enforce this Order or to take appropriate action upon
5 discovery of other violations of the Oregon Mortgage Lender Law;
6 and that America One Finance, Inc. will fully comply with the
7 terms and conditions stated herein.

8 America One Finance, Inc. further assures the Director that
9 neither America One Finance, Inc. nor its officers, directors,
10 employees or agents will engage in residential mortgage activity
11 in Oregon unless such activities are in full compliance with
12 Oregon Mortgage Lender Law and rules.

13 America One Finance, Inc. understands that this Consent
14 Order is a public document.

15 Dated this 11 day of May, 2004.

16
17 By [Signature]
(Signature of officer)
18 President
19 (Office Held)
20

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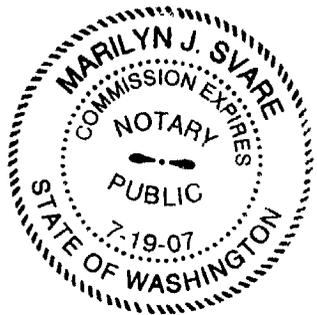


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22 **CORPORATE ACKNOWLEDGMENT**

23 There appeared before me this 11 day of May,
24 2004, Matt Simmons, who was first duly sworn on oath, and stated
25 that he was and is President of America One Finance,
26 Inc. and that he is authorized and empowered to sign this

1 Consent to Entry of Order on behalf of America One Finance,
2 Inc., and to bind America One Finance, Inc. to the terms hereof.

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Marilyn J Svare
(Individual)

Marilyn J Svare
(Printed Name of Notary Public)
Notary Public for the
State of: Washington
My commission expires: 7-19-07

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