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3 **STATE OF OREGON**
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**
6 **ENFORCEMENT SECTION**

7
8 **BEFORE THE DIRECTOR OF THE DEPARTMENT**
9 **OF CONSUMER AND BUSINESS SERVICES**

10 **In the Matter of:**

B-05-0041-32

11 **WEST BANK ENTERPRISES, INC., an**
12 **Oregon corporation, CHARLES F.**
13 **TAYLOR and EVELYN STEECK,**

FINAL ORDER TO CEASE AND
DESIST ENTERED BY DEFAULT

14 **Respondents.**

15
16 On July 14, 2005, the Director of the Department of Consumer and Business
17 Services for the State of Oregon (hereafter "the Director"), acting by and pursuant to the
18 authority of the Oregon Banking Laws, Oregon Revised Statutes ("ORS") Chapters 705,
19 706, 707 and 722, and other applicable authority (hereinafter cited as "the Oregon
20 Banking Law"), issued Administrative Order No. B-05-0041-32 **ORDER TO CEASE**
21 **AND DESIST AND NOTICE OF RIGHT TO A PUBLIC HEARING** ("the Proposed
22 Order") against Respondents West Bank Enterprises, Inc., Charles F. Taylor and Evelyn
23 Steeck.

24 On July 15, 2005, the registered agent for the corporate Respondent, C. Thomas
25 Davis, was duly served with a true copy of the Proposed Order by United States Mail,
26 postage prepaid, and addressed to C. Thomas Davis, Attorney at Law, 12220 SW 1st
Street, Beaverton, Oregon 97005.

NOW THEREFORE, after consideration of the Investigation Report and
accompanying exhibits submitted in this matter by Margaret V. Green, the Director



1 hereby issues the following Findings of Fact, Conclusions of Law, and Final Order.

2 **FINDINGS OF FACT**

3 The Director makes the following Findings of Fact:

4 1. West Bank Enterprises, Inc., (hereinafter "Respondent West Bank"), is
5 registered with the State of Oregon Secretary of State as an Oregon domestic business
6 corporation. Respondent West Bank was incorporated on August 16, 1982.

7 Respondent West Bank filed its principal place of business as 5285 SW Meadows
8 Road, Suite 369; Lake Oswego, Oregon 97035 and lists its mailing address as PO Box
9 1452, Lake Oswego, Oregon 97035. Charles F. Taylor (hereinafter "Respondent
10 Taylor") is listed as the president of Respondent West Bank, with an address of 5285
11 SW Meadows Road, Suite 369; Lake Oswego, Oregon 97035. Evelyn Steeck
12 (hereinafter "Respondent Steeck") is listed as secretary for Respondent West Bank with
13 an address of PO Box 1452, Lake Oswego, Oregon 97035.

14 2. Respondent West Bank uses the name set out above in the solicitation or
15 transaction of its business.

16 3. C. Thomas Davis, attorney at law, is the registered agent for Respondent
17 West Bank. His current address is 12220 SW 1st Street, Beaverton, Oregon 97005.

18 4. ORS 56.023(1) requires a certificate issued under ORS 705.635 for a
19 business registry filing to be appropriately made with the Oregon Secretary of State if
20 the name is to contain, inter alia, the word or words "banc," "bancorp," "bank," "trust," or
21 "trustee," or their equivalents in English or another language.

22 5. ORS 705.635 sets out the procedure by which a person may submit a
23 request to the Director for a certificate of compliance with the Oregon banking
24 requirements, which would permit the person to lawfully file a business registry with the
25 Secretary of State as set forth in ORS 56.023(1).

26 6. Respondent West Bank has not applied for, or been previously granted, a





1 certificate pursuant to ORS 705.635. Respondent West Bank has not been otherwise
2 approved to conduct a banking business as defined in ORS 706.005(6) or 722.012.

3 7. ORS 705.638 imposes regulations on businesses engaging in banking
4 activities. It states in relevant part that, "[a] company organized under the laws of this
5 state for the purposes of conducting a banking business as defined in ORS 706.005(6)
6 either within or outside this state shall be organized under ORS chapter 707" and, "[a]
7 company organized under the laws of this state to transact savings and loan business
8 as defined in ORS 722.004(25) either within or outside this state shall be organized
9 under ORS chapter 722." ORS 705.638(2) and (3) respectively. Respondent West
10 Bank is not organized under these statutes.

11 8. On behalf of the Director, staff of the Banking Section of the Division of
12 Finance and Corporate Securities ("Division") undertook to inquire and investigate the
13 circumstances under which the corporate Respondent had come to use the word
14 "bank," "trust" or any derivative thereof as set forth in ORS 56.023 in its name.
15 Specifically, Division staff undertook the following during the period beginning at least
16 as early as December 1, 2004 through the present:

17 a. The Division reviewed and analyzed information from the Oregon
18 Secretary of State, Corporations Division, reflecting the Respondents' registration
19 therewith.

20 b. The Division made significant attempts to contact the Respondents,
21 including multiple mailings to the Respondents directly, through the Registered
22 Agent, or both.

23 c. The Division requested that the Respondents contact the Division, and
24 requested that the Respondents comply with the requirements of ORS 705.635.
25 Respondents failed to contact the Division, failed to provide adequate information
26 about their businesses and operations, and failed to amend their business registry



1 filings to comply with Oregon law.

2 9. ORS 707.005 states that "[i]t is unlawful for any person to engage in or
3 transact a banking or trust business within this state except by means of an entity duly
4 organized for the purpose."

5 10. ORS 707.010 prohibits a person who has not received from the Director a
6 certificate to do banking business from doing any of the following:

7 (a) Advertising that it is receiving or accepting money on deposit;

8 (b) Using a sign at its place of business containing words indicating that the
9 place is a place of business: (i) of a banking institution; (ii) where deposits are
10 received or payments made on check; or (iii) where any other form of banking
11 business is transacted;

12 (c) Making use of or circulating any letterheads, blank notes, blank receipts,
13 certificates, circulars or any written or printed paper containing words indicating
14 that the business is the business of a banking institution;

15 (d) Transacting business under any name that the Director determines leads
16 the public to believe that its business is that of a banking institution or that it is
17 affiliated with a banking institution; or

18 (e) Soliciting or receiving deposits or transacting business in the manner of a
19 banking institution or in such a manner as to lead the public to believe that its
20 business is that of a banking institution.

21 ORS 722.012 imposes similar requirements on entities operating as a savings
22 and loan or with the words "savings and loan" in its name.

23 11. Respondents have filed a name with the Oregon Secretary of State that
24 has the word "bank," "trust," or a derivative thereof in its name as set forth in ORS
25 56.023, and/or implies or may imply that these Respondents are conducting a banking
26 business or are affiliated with a banking institution.

1 **CONCLUSIONS OF LAW**

2 The Director **CONCLUDES** that:

3 12. Respondents violated Oregon law, including but not limited to ORS
4 56.023, 705.635 and 707.010 by failing to obtain a certification from the Division as
5 required by Oregon Law, failing to properly list their business name with the Oregon
6 Secretary of State, and by improperly registering to do business in Oregon using at
7 least one of the terms or equivalent thereof set forth in ORS 56.023, without first
8 obtaining the certificate required under ORS 705.635.

9 13. By virtue of their registration with the Oregon Secretary of State,
10 Corporations Division, and other materials by which they hold themselves out for
11 business, Respondents have used at least one sign at or in the conduct of their
12 businesses containing words indicating that the place is a place of business of a
13 banking institution where deposits are received, or payments made on check or where
14 any other form of banking business is transacted. Respondents are soliciting or
15 transacting business in violation of ORS 707.010.

16 14. Respondents have failed to comply with the registration and certification
17 requirements under the Oregon Banking Laws, including but not limited to ORS
18 707.635, 707.638, 707.005, 707.010 and/or 722.012. Respondents have failed to meet
19 the necessary requirements to register or file their business name with the Oregon
20 Secretary of State. Respondents have used the word "bank," "trust," or a derivative
21 thereof as set forth in ORS 56.023, in their names in violation of the statutes set out in
22 this paragraph.

23 **ORDER**

24 The Director, pursuant to ORS 705.640 and ORS 59.885(4) hereby **ORDERS**
25 that Respondents West Bank Enterprises, Inc., Charles F. Taylor and Evelyn Steeck

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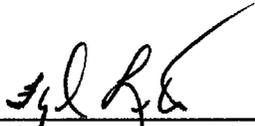
Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street, NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387



1 each **CEASE AND DESIST** from violating any provision of Oregon Law as set forth
2 above, and any rule, order or policy issued by the Division.

3 Dated this 14th day of August, 2005 at Salem, Oregon NUNC PRO TUNC
4 July 14, 2005.

5 CORY STREISINGER, Director
6 Department of Consumer and Business Services

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9 _____
10 Floyd Lanter, Administrator
11 Division of Finance and Corporate Securities

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