

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

4 In the Matter of:

M-05-0072-3

5 Mack James Gentry,

FINAL ORDER TO CEASE AND DESIST
BY DEFAULT

6 Respondent.

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9 On August 15, 2005, the Director of the Department of Consumer and Business
10 Services for the State of Oregon (hereafter the "Director"), acting by and pursuant to the
11 authority of Oregon Securities Law, Chapter 59 Of The Oregon Revised Statutes, and
12 other applicable authority, issued administrative order no. M-05-0072-3 to Cease And
13 Desist And Assessing Civil Penalties And Notice Of Right To Hearing (hereafter "the
14 order") against respondent Mack James Gentry.

15 On August 17, 2005, Respondent Mack James Gentry was duly served with a
16 true copy of the order and notice by United States certified mail, postage prepaid, and
17 addressed to Respondent Mack James Gentry at the following last known address:
18 1651 SE Lava Drive Apartment 57 in Milwaukie, Oregon 97222. The mailing was not
19 returned. On August 22, 2005, Kirsten Anderson, an employee of the Director, spoke
20 with Respondent Mack James Gentry who indicated that he had received the Order. He
21 was instructed how to file a written request for a hearing. He indicated that he had an
22 appointment to meet with an attorney about the matter.

23 As of September 8, 2005, Respondent Mack James Gentry has not made a
24 written request for a contested case hearing in this matter and the time to do so has
25 expired.

26 **NOW THEREFORE**, after consideration of the Investigation Report and

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4140





1 accompanying exhibits submitted in this matter by Kirsten Anderson, Enforcement
2 Officer, the Director hereby issues the following Findings of Fact, Conclusions of Law,
3 and Final Order:

4 **FINDINGS OF FACT**

5 The Director **FINDS** that:

6 1. Mack James Gentry (hereinafter, "Respondent"), born November 1, 1960, acted
7 as a loan originator for several mortgage brokers or bankers licensed by the Director,
8 including but not limited to Security National Mortgage Company for whom he worked
9 as a loan originator in January 2000.

10 2. On August 7, 2003, Respondent entered a guilty plea and was convicted of one
11 count of HUD Fraud under 18 USC § 1010, a Class E felony punishable by up to 2
12 years of imprisonment.

13 3. In connection with the entry of his guilty plea, Respondent admitted that in
14 January 2000, he "made a false verification of rent form for the purpose of obtaining a
15 HUD loan for Michael Turcol."

16 **CONCLUSIONS OF LAW**

17 The Director **CONCLUDES** that:

18 1. Respondent aided and abetted a mortgage broker or banker's violation of ORS
19 59.930(3) when in January 2000 he made a false verification of rent form for the
20 purpose of obtaining a HUD loan for Michael Turcol.

21 2. OAR 441-880-0050(4)(a) provides that "crimes punishable by death or
22 imprisonment in excess of one year under the law under which the person was
23 convicted," is among the categories of criminal convictions that will prevent a person
24 from acting as a loan originator.

25 3. Because on August 7, 2003, Respondent pled guilty to and convictions were
26 entered for one count of HUD Fraud under 18 USC § 1010, which is a crime punishable



1 by up to 2 years of imprisonment, ORS 59.971(2) prohibits Respondent from acting as a
2 loan originator as defined in ORS 59.840 or 59.970.

3 4. Because on July 15, 2003, Respondent pled guilty to and convictions were
4 entered for one count of HUD Fraud under 18 USC § 1010, a Class E felony, ORS
5 59.865(4) permits the Director to deny a mortgage license to Respondent.

6 5. Because on July 15, 2003, Respondent pled guilty to and convictions were
7 entered for one count of HUD Fraud under 18 USC § 1010, a Class E felony, ORS
8 59.865(4) in conjunction with ORS 59.870 permits the Director to deny a mortgage
9 license to any company that applies for a license in which Respondent is a partner,
10 officer or director, occupies a similar status or performs similar functions, or directly or
11 indirectly controls the mortgage banker or mortgage broker.

12 **ORDER**

13 **NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:**

14 The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that Respondent will
15 **CEASE AND DESIST** from violating any provision of Oregon Mortgage Lender Law,
16 OAR 441-850-0005 through 441-885-0010 and any rule, order, or policy issued by the
17 Division.

18 The Director hereby **ORDERS** that Mack James Gentry is permanently
19 restrained, enjoined, and prohibited from, directly or indirectly:

20 1. Acting as a loan originator, as that term is defined in ORS 59.840(4) and ORS
21 59.970, by operation of ORS 59.971(2);

22 2. Owning or operating as a mortgage banker or mortgage broker, as those
23 terms are defined in ORS 59.840(5) and (7) respectively; or

24 3. Acting as a partner, officer, director, or experienced person as described in
25 ORS 59.850(2), or occupying similar status or performing similar functions of a partner,
26 officer, director, or experienced person for a mortgage banker or mortgage broker, or

1 indirectly controlling a mortgage banker or mortgage broker.

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

4

5 IT IS SO ORDERED.

6 Dated this 12th day of September, 2005, at Salem, Oregon.

7

8 CORY STREISINGER, Director
9 Department of Consumer and Business Services

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

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14 NOTICE: You are entitled to judicial review of this Order. Judicial review may be
15 obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days
16 from the service of this Order. Judicial review is pursuant to the provisions of ORS
17 183.482 to the Oregon Court of Appeals.

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