

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-07-0027-1

5 Comcor Corporation dba Cyber One  
6 Mortgage,

FINAL ORDER TO CEASE AND DESIST  
And ORDER ASSESSING CIVIL  
PENALTIES

7 Respondent.

ENTERED BY CONSENT

8  
9 CASE BACKGROUND

10 On January 24, 2008, the Director of the Department of Consumer and Business  
11 Services for the State of Oregon (hereafter the "Director"), acting by and pursuant to the  
12 authority of Oregon Mortgage Lender Law, ORS 59.840 et seq. of the Oregon Revised  
13 Statutes, and other applicable authority, issued Administrative Order No. M-07-0027 to  
14 Cease And Desist, Order to Revoke Mortgage Banker/Broker License, Order Assessing  
15 Civil Penalties And Notice Of Right To Hearing (hereafter "the Order") against Comcor  
16 Corporation dba Cyber One Mortgage (hereinafter "Respondent").

17 On January 25, 2008, Respondent was duly served with a true copy of the Order  
18 and Notice by United States Mail, postage prepaid, and addressed to Respondent's  
19 Oregon Agent for Service of Process. On February 4, 2008, the United States Post  
20 Office delivered this mailing.

21 On January 25, 2008, Respondent was also served with a true copy of the Order  
22 and Notice by United States Mail, postage prepaid, and addressed to Respondent at the  
23 following last known address: 2719 Rochester Street W. #3, Tacoma, Washington,  
24 98466. On January 28, 2008, the United States Post Office delivered this mailing.

25 Respondent did not timely file a written request for a contested case hearing in  
26 this matter, so a FINAL ORDER BY DEFAULT was issued and served upon the

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



1 Respondent on or about April 28, 2008.

2 Respondent filed an appeal with the Oregon Court of Appeals, and that appeal is  
3 currently pending.

4 **Whereas** Respondent wishes to avoid additional costs of litigation, does not  
5 desire to expend further time on this matter, and seeks to resolve and settle this matter  
6 with the Director without admitting or denying the findings or conclusions set forth  
7 herein;

8 **NOW THEREFORE**, as evidenced by the authorized signatures subscribed on  
9 this Order, Respondent hereby CONSENTS to the entry of this Order upon the following  
10 Director's Findings of Fact and Conclusions of Law, and CONFIRMS it will file a Motion  
11 to Dismiss the appeal pending before the Oregon Court of Appeals.

12 **FINDINGS OF FACT**

13 The Director **FINDS** that:

14 1. Respondent is a mortgage broker who offers to negotiate mortgage loans  
15 in expectation of compensation. Respondent's last known address is 2719 Rochester  
16 St. W. #3 in Tacoma, Washington. Robert Rodriguez is the sole owner of Respondent.

17 2. Respondent obtained license ML-1433 to engage in Oregon residential  
18 mortgage loans on January 26, 1998. Respondent failed to renew the license so it  
19 expired on January 25, 2005. On February 17, 2005, Respondent completed the  
20 renewal paperwork and was granted a license to originate Oregon residential mortgage  
21 loans. On February 16, 2006, Respondent again completed the renewal paperwork for  
22 the license. That license expired on February 17, 2008.

23 3. Respondent uses an assumed business name of Cyber One Mortgage  
24 (hereinafter "the ABN"). Respondent registered the ABN, registration number 117085-  
25 91, with Oregon Secretary of State on December 5, 2002. Respondent failed to renew  
26 the ABN's registration and it lapsed on December 6, 2004. Respondent registered the

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1 ABN again, registration number 259505-93, on January 5, 2005. Respondent failed to  
2 renew that registration, which lapsed on January 6, 2007. The ABN is currently not  
3 registered and was not registered between December 6, 2004 and January 5, 2005.

4 4. On or about February 16, 2006, Respondent completed an application to  
5 renew its license to engage in Oregon residential mortgage loans and received its  
6 renewed license. The application contained a question “[a]re there any pending civil  
7 actions (including suits filed in civil court, administrative actions initiated by a state or  
8 subdivision of the state or by the United States government or any agency of the United  
9 States government, arbitration or alternative dispute-resolution proceedings) involving  
10 allegations of financial misconduct and compensatory damages of \$10,000 or more?”  
11 Respondent checked the box “no” in response to that question.

12 5. On October 19, 2006, Helen and Jennifer Haley filed a complaint, case  
13 number BC360549, against Respondent in the Superior Court in Los Angeles County,  
14 California (hereinafter “the Haley Lawsuit”) alleging that Respondent engaged in, among  
15 other things, broker fraud, constructive fraud, elder abuse and unfair business practices.  
16 The Haley Lawsuit sought unspecified general, special and punitive damages but set  
17 forth in the complaint certain amounts that it believed were at issue, including \$10,525  
18 received by the Respondent from the close of the loan obtained for the Haleys.

19 6. Respondent has never provided notice to the Director of the Haley  
20 Lawsuit.

21 7. Respondent hired Larry Jason Somera (hereinafter “Somera”) on or about  
22 November 10, 2003.

23 8. An Investigator for the Director issued a subpoena to Respondent ordering  
24 the company to produce a “list of all loans originated of Oregon consumers” by loan  
25 originator Somera. For each loan, the list was to include the date the file was opened,  
26 the date the file closed or funded, the property address, the borrower’s full name, the



1 loan status, the loan amount, the escrow company and the lender. All of the information  
2 requested would be listed on loans documents that the Respondent was required to  
3 keep in each borrower's file.

4 9. Respondent failed to respond to the subpoena but did eventually produce  
5 a pipeline at the direction of the Investigator. Between March 2004 and December  
6 2005, Somera originated at least 20 loans for Respondent, according to a pipeline  
7 provided by Respondent. Except for one loan on a California property, which was the  
8 subject of the Haley Lawsuit, Respondent said they were unable to provide property  
9 addresses for the loans originated by Somera. Respondent failed to provide the first  
10 names for each of the 20 loans listed on the pipeline. Respondent failed to provide the  
11 loan amount for 11 of the loans listed on the pipeline. Respondent failed to provide the  
12 name of the escrow company or the lender for each of the 20 loans listed on the  
13 pipeline. Respondent said that the information on the pipeline was taken from the  
14 escrow checks.

15 10. Kara Iverson of Fidelity National Title Company of Oregon (hereinafter  
16 "Fidelity") was the escrow agent on at least five residential mortgage loan transactions  
17 in which Somera acted as the loan originator for Respondent, including loans for Oden,  
18 Caravia, Summers, Koppang and Chrisitson. Of those five loan transactions, Odon,  
19 Caravia, Koppang, and Chrisitson, were for mortgage loans to be secured by Oregon  
20 residential property. The Caravia, Koppang, and Chrisitson loans funded. Only the  
21 Koppang loan was listed on the pipeline provided by Respondent.

22 11. On or about January 3, 2005, Somera submitted a request to Fidelity to  
23 open escrow on an Oregon residential mortgage loan for Shane Odon. At that time, the  
24 ABN was not registered with the Secretary of State. Somera used the ABN in his  
25 request faxed to Fidelity on January 3, 2005, Fidelity listed the mortgage broker by the  
26 ABN on their Open Order Sheet prepared on January 3, 2005, and used the ABN on the



1 Preliminary Title Report prepared on January 4, 2005.

2 12. Respondent terminated Somera in or about December 2005.

3 13. Respondent hired Jack Stein (hereinafter "Stein") around September 30,  
4 2004. According to the pipeline provided by Respondent, between March 2005 and  
5 June 2006, Stein originated at least 13 loans for Respondent, at least five of which are  
6 Oregon residential mortgage loan transactions.

7 14. Respondent terminated Stein in or about June 2006.

8 15. Respondent hired Darin Mayer (hereinafter "Mayer") around September  
9 30, 2004. According to the pipeline provided by Respondent, between February 2005  
10 and June 2005, Mayer originated at least 9 loans for Respondent, at least one of which  
11 is an Oregon residential mortgage loan transaction.

12 16. Respondent terminated Mayer in or around June 2005.

13 17. Although Respondent has provided notification to the Director of the hire  
14 of twenty-five loan originators and the termination of seven loan originators, Respondent  
15 did not provide notification to the Director of the hire or termination of Somera, Stein,  
16 and Mayer as loan originators.

17 18. Respondent provided copies of its personnel files for Somera, Stein, and  
18 Mayer in response to a request from the Director. Neither the Somera, Stein, or Mayer  
19 personnel files contained a completed loan originator notification of hire or termination  
20 nor did the files contain the dates of termination for Somera, Stein or Mayer.

## 21 CONCLUSIONS OF LAW

22 The Director **CONCLUDES** that:

23 1. Respondent violated OAR 441-860-0070(1)(i) by failing to notify the  
24 Director within 30 days of a change in the information contained on Respondent's  
25 application for a mortgage broker license when Respondent failed to provide notice  
26 regarding the Haley lawsuit, which alleged financial misconduct and sought



1 compensatory damages of \$10,000 or more.

2 2. Respondent violated OAR 441-865-0060 twenty times by failing to  
3 maintain borrower files for each of the twenty loans originated by loan originator  
4 Somera.

5 3. By violating OAR 441-865-0060 each of the twenty times Respondent  
6 failed to maintain a borrower file, Respondent has willfully or repeatedly violated or  
7 failed to comply with any provision of ORS 59.840 to 59.980 or any rule or order of the  
8 director, which constitutes grounds to revoke Respondent's Oregon Mortgage  
9 Banker/Broker license pursuant to ORS 59.865(3).

10 4. Respondent violated ORS 59.860, which requires Respondent to make  
11 and keep such accounts, correspondence, memoranda, papers, books and other  
12 records as the Director of the Department of Consumer and Business Services by rule  
13 or order prescribes, by failing to maintain records as required by OAR 441-865-0060,  
14 which constitutes grounds to revoke Respondent's Oregon Mortgage Banker/Broker  
15 license pursuant to ORS 59.865(11).

16 5. Respondent violated OAR 441-860-0025(1)(a) by failing to register the  
17 ABN with the Secretary of State before using the ABN in connection with the Odon loan  
18 transaction.

19 6. Respondent violated ORS 59.969(1) three times by failing to notify the  
20 Director within 30 days of the hire of a loan originator when Respondent hired loan  
21 originators Somera, Stein and Mayer.

22 7. By violating ORS 59.969(1) three times by failing to notify the Director  
23 within 30 days of the hire of a loan originators Somera, Stein and Mayer, Respondent  
24 has willfully or repeatedly violated or failed to comply with any provision of ORS 59.840  
25 to 59.980 or any rule or order of the director, which constitutes grounds to revoke  
26 Respondent's Oregon Mortgage Banker/Broker license pursuant to ORS 59.865(3).



1           8.       Respondent violated OAR 441-880-0030(2) three times when it failed to  
2 amend Respondent's license application to provide notice of the hire of a loan originator  
3 when Respondent hired loan originators Somera, Stein and Mayer.

4           9.       By violating OAR 441-880-0030(2) three times by failing to amend the  
5 license application to provide notice of the hire of loan originators Somera, Stein and  
6 Mayer, Respondent has willfully or repeatedly violated or failed to comply with any  
7 provision of ORS 59.840 to 59.980 or any rule or order of the director, which constitutes  
8 grounds to revoke Respondent's Oregon Mortgage Banker/Broker license pursuant to  
9 ORS 59.865(3).

10          10.       Respondent violated ORS 59.969(1) three times when it failed to notify the  
11 Director within 30 days of the termination of a loan originator when Respondent  
12 terminated loan originators Somera, Stein and Mayer.

13          11.       By violating ORS 59.969(1) three times by failing to notify the Director  
14 within 30 days of the termination of loan originators Somera, Stein and Mayer,  
15 Respondent has willfully or repeatedly violated or failed to comply with any provision of  
16 ORS 59.840 to 59.980 or any rule or order of the director, which constitutes grounds to  
17 revoke Respondent's Oregon Mortgage Banker/Broker license pursuant to ORS  
18 59.865(3).

19          12.       Respondent violated OAR 441-880-0030(2) three times when it failed to  
20 amend Respondent's license application to provide notice of the termination of a loan  
21 originator when Respondent terminated loan originators Somera, Stein and Mayer.

22          13.       By violating OAR 441-880-0030(2) three times by failing to amend the  
23 license application to provide notice of the termination of loan originators Somera, Stein  
24 and Mayer, Respondent has willfully or repeatedly violated or failed to comply with any  
25 provision of ORS 59.840 to 59.980 or any rule or order of the director, which constitutes  
26 grounds to revoke Respondent's Oregon Mortgage Banker/Broker license pursuant to

1 ORS 59.865(3).

2 14. Respondent violated OAR 441-865-0050(3) by failing to maintain  
3 information required by OAR 441-880-0030 for a loan originator in the personnel file of  
4 the loan originator when Respondent failed to maintain the dates of termination in the  
5 personnel files for loan originators Somera, Mayer and Stein.

6 15. By violating OAR 441-865-0050(3) by failing to maintain information  
7 required by OAR 441-880-0030 for a loan originator in the personnel file of the loan  
8 originator, Respondent has failed to comply with the requirements of ORS 59.860 to  
9 make and keep records prescribed by rule or order of the director or to produce such  
10 records required by the director, which constitutes grounds to revoke Respondent's  
11 Oregon Mortgage Banker/Broker license pursuant to ORS 59.865(3).

12 **ORDER**

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

17 The Director, pursuant to ORS 59.996 hereby **ORDERS** Respondent to pay the  
18 State of Oregon a civil penalty of \$55,000 based upon 1) \$5,000 for a violation of OAR  
19 441-860-0070(1)(i) for failing to notify the Director of any changes of the information on  
20 the application, 2) \$5,000 for the violation of OAR 441-860-0025(1)(a) for the use of the  
21 ABN while it was not registered with the Secretary of State, 3) \$5,000 for a violation of  
22 ORS 59.969(1) and OAR 441-880-0030(2) for each of three loan originators for whom  
23 Respondent failed to provide notice of hire for a total of \$15,000, 4) \$5,000 for a  
24 violation of ORS 59.969(1) and OAR 441-880-0030(2) for each of the three loan  
25 originators for whom Respondent failed to provide notice of the termination for a total of  
26 \$15,000, and 5) \$5,000 for a violation of OAR 441-865-0050(3) for each of the three

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1 personnel files in which Respondent failed to maintain the information required by OAR  
2 441-880-0030 for a total of \$15,000.

3 The Director suspends payment of the assessed civil penalties for a period of  
4 five years from the date the Director signs the Order. If, within five years of the date the  
5 Director signs the order, Respondent or Rodriguez violates this Order or any provision  
6 of the Oregon Mortgage Lender Law (ORS Chapter 59), any administrative rule relating  
7 to the Oregon Mortgage Lender Law (OAR Chapter 441-850 et seq) or any rule, order  
8 or policy issued by the Director, the suspended portion of the assessed civil penalty will  
9 be immediately due and payable. If neither Respondent nor Rodriguez violates this  
10 Order or any provision of the Oregon Mortgage Lender Law, any administrative rule  
11 relating to the Oregon Mortgage Lender Law (OAR Chapter 441-850 et seq) or any rule,  
12 order or policy issued by the Director, the assessed civil penalties will be waived.

13 Rodriguez agrees, and the Director so orders, that Rodriguez will not own,  
14 control, act as a partner, officer, director, experienced person or loan originator, or  
15 perform similar functions for, any company licensed as a mortgage broker or banker by  
16 the Oregon Division of Finance and Corporate Securities until further Order of the  
17 Director or for a period of five years from the date the Director signs the Order,  
18 whichever comes first. Notwithstanding the foregoing, Rodriguez may at any time make  
19 written application to the Director to hold a position otherwise restricted by this Order.  
20 The Director will review and act upon any application or request for licensing or  
21 registration by Rodriguez according to the then current law, including any rights  
22 available to request a contested case hearing on any licensing or registration decision.

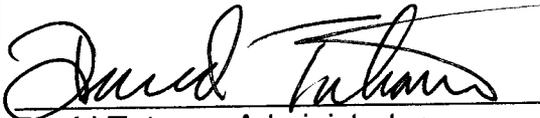
23 The date of this order is the day the Director or Director's nominee signs the  
24 Order. The entry of this Order in no way limits further remedies which may be available  
25 to the Director now or in the future under Oregon law.  
26

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1 Dated this 6<sup>th</sup> day of May, 2009 at Salem, Oregon.

2  
3 CORY STREISINGER, Director  
4 Department of Consumer and Business Services

5   
6 David Tatman, Administrator  
7 Division of Finance and Corporate Securities

8 APPROVED AS TO FORM:

9   
10 Joseph D. McDonald OSB #842909  
11 Attorney for Respondent

12 **CORPORATE AND PERSONAL CONSENT TO ENTRY OF ORDER**

13 I, Robert Rodriguez, state that I am the owner of Comcor Corporation and I am  
14 authorized to act on its behalf; that I have read the foregoing Order and that I know and  
15 fully understand the contents hereof; that Respondent and I have been represented by  
16 counsel in this matter; that the Respondent and I, voluntarily and without any force or  
17 duress, consent to the entry of this Order, and that we are both bound by the provisions  
18 and orders therein, that the Respondent makes no admission of liability with respect to  
19 the Findings of Fact in the foregoing Order; that the Respondent executes this Consent  
20 as a settlement of the matters referred to in the foregoing Order and currently on appeal  
21 before the Oregon Court of Appeals; that the Respondent understands that the Director  
22 reserves the right to take further actions to enforce this Order or to take appropriate  
23 action upon discovery of other violations of the Oregon Mortgage Lender Law, OAR  
24 441-850-0005 through 441-885-0010, or any rule, order, or policy issued by the  
25 Division; and that the Respondent will fully comply with the terms and conditions stated  
26 herein.

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The Respondent understands that this Consent Order is a public document.

Dated this 4 day of May, 2009.

By: Robert Rodriguez  
Robert Rodriguez, Owner of Comcor Corporation

**CORPORATE ACKNOWLEDGMENT**

There appeared before me this 4th day of May, 2009, Robert Rodriguez, who was first duly sworn on oath, and stated that he owns Comcor Corporation, that he is authorized and empowered to sign this Consent to Entry of Order on behalf of the Respondent, and to bind the Respondent to the terms hereof.

[Signature]  
Signature of Notary



David L Reed  
Printed Name of Notary Public

Notary Public for the State of: WA

My commission expires 11-19-2012

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