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**STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
DIVISION OF FINANCE AND CORPORATE SECURITIES**

In the Matter of:	<b>MSD-12-0051</b>
Michael Higley and Jacalyn Higley Respondents.	<b>Order to Cease and Desist, Order Assessing Civil Penalties, and Consent to Entry of Order</b>

WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon (“Director”) conducted an investigation of Respondents and determined that Respondents engaged in activities constituting violations of Oregon Revised Statutes (“ORS”) 441.661 *et seq.* (“Oregon Manufactured Structure Dealers and Dealerships Law”); and

WHEREAS Respondents wish to resolve and settle this matter with the Director;

NOW THEREFORE, as evidenced by the authorized signature subscribed on this consent order, Respondents hereby consent to entry of this order upon the Director’s Findings of Fact and Conclusions of Law as stated hereinafter:

**FINDINGS OF FACT**

1. On various manufactured structure transaction documents related to the sale of manufactured homes that are the subject of this notice order, Michael Higley lists his address as 6805 SW 201<sup>st</sup> Avenue, Aloha, OR 97007.

2. On various manufactured structure transaction documents related to the sale of manufactured homes that are the subject of this notice order, Jacalyn Higley lists her address



1 as 6805 SW 201<sup>st</sup> Avenue, Aloha, OR 97007.

2 3. Based on a search of the Division’s records on May 24, 2012, Michael Higley has  
3 never been licensed as a Manufactured Structure Dealer with the Oregon Division of Finance  
4 and Corporate Securities (“Division”).

5 4. Based on a search of the Divisions records on May 24, 2012, Jacalyn Higley has  
6 never been licensed as a Manufactured Structure Dealer with the Division.

7 5. Based on a search of Oregon State records, during the period from approximately  
8 September 2007 through March 2011, Michael Higley sold seven manufactured structures to  
9 various parties in Oregon.

10 6. Based on a search of Oregon State records, during the period from approximately  
11 June 2007 through April 2009, Jacalyn Higley sold four manufactured structures to various  
12 parties in Oregon.

13 **CONCLUSIONS OF LAW**

14 The Director concludes that:

15 7. Michael Higley committed seven violations of ORS 446.671 by selling  
16 manufactured structures in Oregon without first being properly licensed with the Division.

17 8. Jacalyn Higley committed four violations of ORS 446.671 by selling manufactured  
18 structures in Oregon without first being properly licensed with the Division.

19 **ORDER**

20 NOW, THEREFORE, the director issues the following orders:

21 9. Pursuant to ORS 446.748, the Director hereby orders Michael Higley and Jacalyn  
22 Higley to cease and desist from violating Oregon Manufactured Structure Dealers and  
23 Dealerships Law.

24 10. Pursuant to ORS 446.995, the Director may assess a civil penalty of up to \$5,000  
25 for each violation of the Oregon Manufactured Structure Dealers and Dealerships Law.  
26 Pursuant to these provisions, the Director hereby orders Michael Higley and Jacalyn Higley to



1 jointly and severally pay a \$15,000 civil penalty to the State of Oregon. Payments of not less  
2 than \$3,000 each shall be due and payable on: August 1, 2012; November 1, 2012; February  
3 1, 2013; May 1, 2013; with the entire remaining unpaid balance shall be due and payable on  
4 August 1, 2013. If any payment is not made pursuant to this consent order the entire balance  
5 shall be immediately due and payable.

6 11. The entry of this Order in no way further limits remedies that may be available to  
7 the Director under Oregon Law.

8 Dated this 6<sup>th</sup> day of August 2012.

9 PATRICK M. ALLEN, Director  
10 Department of Consumer and Business Services

11 /s/ David Tatman  
12 David C. Tatman, Administrator  
13 Division of Finance and Corporate Securities

14 **CONSENT TO ENTRY OF ORDER**

15 I, Michael Higley, state that I have read the foregoing consent order and that I know  
16 and fully understand the contents hereof; that I have been advised of the right to a hearing and  
17 of the right to be represented by counsel in this matter; that I voluntarily and without any  
18 force or duress, consents to the entry of this consent order, expressly waiving any right to a  
19 hearing in this matter; that I understand that the Director reserves the right to take further  
20 actions to enforce this consent order or to take appropriate action upon discovery of other  
21 violations of the Oregon Manufactured Structure Dealers and Dealerships Law; and that I will

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1 fully comply with the terms and conditions stated herein.

2 I understand that this consent order is a public document.

3 Dated this 30<sup>th</sup> day of July, 2012.

4

5 /s/ Michael Higley  
6 Michael Higley

7 **NOTARY ACKNOWLEDGEMENT**

8 State of Oregon )  
9 County of Washington )ss.

10

11 This instrument was acknowledged before me on July 30, 2012 by Michael Higley.

12

13

14 /s/ Anita Wilton  
15 Notary Public – State of Oregon

16 **CONSENT TO ENTRY OF ORDER**

17 I, Jacalyn Higley, state that I have read the foregoing consent order and that I know  
18 and fully understand the contents hereof; that I have been advised of the right to a hearing and  
19 of the right to be represented by counsel in this matter; that I voluntarily and without any  
20 force or duress, consents to the entry of this consent order, expressly waiving any right to a  
21 hearing in this matter; that I understand that the Director reserves the right to take further  
22 actions to enforce this consent order or to take appropriate action upon discovery of other  
23 violations of the Oregon Manufactured Structure Dealers and Dealerships Law; and that I will

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1 fully comply with the terms and conditions stated herein.

2 I understand that this consent order is a public document.

3 Dated this 30<sup>th</sup> day of July, 2012.

4  
5 /s/ Jacalyn Higley  
6 Jacalyn Higley

7 **NOTARY ACKNOWLEDGEMENT**

8 State of Oregon )  
9 )ss.  
10 County of Washington )

11 This instrument was acknowledged before me on July 30, 2012 by Jacalyn Higley.

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14 /s/ Anita Wilton  
15 Notary Public – State of Oregon

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Division of Finance and Corporate Securities  
Labor and Industries Building  
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