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

<p>In the Matter of:</p> <p>Cheryl Cunio;</p> <p style="text-align: center;">Respondent.</p>	<p style="text-align: center;">DM-13-0018</p> <p style="text-align: center;">Final Order to Cease and Desist, Order Assessing Civil Penalties, and Consent to Entry of Order</p>
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WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter “Director”) conducted an investigation of Cheryl Cunio (hereinafter “Cunio”) and determined that Cunio engaged in activities constituting a violation of Oregon Revised Statutes (“ORS”) 446.661 et seq. (hereinafter “Oregon Manufactured Structure Dealers and Dealerships Law”); and

WHEREAS Cunio wishes to resolve and settle this matter with the Director;

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

FINDINGS OF FACTS

The Director FINDS that:

1. During the time period from March 20, 2009 through October 30, 2012, Cunio sold manufactured structures to various parties in Oregon.

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 2. During that period, neither Value Manufactured Homes, LLC nor Cunio were licensed
2 as an Oregon manufactured structure dealer.

3 3. The Division learned of the sales, and a Division employee contacted Cunio on October
4 31, 2012 by letter to inform her of the requirement to have a license to engage in these sales.

5 4. Cunio agreed to obtain a license and reported to the Division employee that she inquired
6 into licensing at the county, and a county employee told her that no license was required.

7 5. On November 20, 2012, Value Manufactured Homes, LLC dba Cheryl K. Cunio
8 received a manufactured structure dealer license from the Oregon Division of Finance and
9 Corporate Securities.

10 CONCLUSIONS OF LAW

11 The Director CONCLUDES that:

12 1. Cunio acted as a manufactured structure dealer during the time period from March 20,
13 2009 through October 30, 2012 by selling manufactured structures in Oregon without a license
14 in violation of ORS 446.671.

15 ORDER

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

17 Pursuant to ORS 446.748, the Director hereby orders Cunio to CEASE AND DESIST
18 from violating the Oregon Manufactured Structure Dealers and Dealerships Law.

19 Pursuant to ORS 446.995, the Director may assess a CIVIL PENALTY of up to \$5,000
20 for each violation of the Oregon Manufactured Structure Dealers and Dealerships Law.

- 21 a. Pursuant to ORS 446.995, the Director orders Cunio to pay a \$2,750 civil penalty
22 to the State of Oregon for the violations of ORS 446.671; and
- 23 b. The Director suspends payment of \$1,000 of the civil penalty for a period of three
24 years, so long as Cunio makes a full timely payment of the civil penalty as
25 provided by the terms of this order, and so long as Cunio does not violate the
26 Oregon Manufactured Structure Dealers and Dealerships Law.





- 1 c. If Cunio make a full timely payment of the civil penalty, does not violate the
- 2 Oregon Manufactured Structure Dealers and Dealerships Law or the terms of this
- 3 order, in three years from the date of the order, the suspended portion of the civil
- 4 penalty is waived.
- 5 d. Along with the signed consent order, Cunio agrees to submit the non-suspended
- 6 portion of the civil penalty, \$1,750, on or before Friday, March 22, 2013.

7 The entry of this order in no way further limits remedies that may be available to the
8 Director under Oregon law.

9 Dated this 25th day of March , 2013.

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

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

15 **CONSENT TO ENTRY OF ORDER**

16 I, Cheryl Cunio, state that I have read the foregoing order, and I know and fully
17 understand the contents hereof. I have been advised of the right to a hearing and of the right to
18 be represented by counsel in this matter, and I desire to resolve and settle this matter with the
19 Director. I voluntarily, without any force or duress, consent to the entry of this order, expressly
20 waiving any right to a hearing in this matter. I understand that the Director reserves the right to
21 take further actions to enforce this order or to take appropriate action upon discovery of other
22 violations of the Oregon Manufactured Structure Dealers and Dealerships Law, and I will fully
23 comply with the terms and conditions stated herein.

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I understand that this consent order is a public document.

Dated this 19th day of March, 2013.

By /s/ Cheryl Cunio

Cheryl Cunio

SUBSCRIBED AND SWORN to before me this 19th day of March, 2013.

/s/ Andy Gross

Andy Gross

(Printed Name of Notary Public)

Notary Public for the State of: Oregon

My commission expires: May 8, 2016

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