

1  
2  
3 **STATE OF OREGON**  
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**  
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**

6 In the Matter of:

Case No. M-13-0041

7 Marcos Pereira Bodart (NMLS ID# 1025812),  
8 Respondent.

Order Granting Conditional Mortgage Loan  
Originator License and Consent to Entry of  
Order

9  
10 **WHEREAS** the Director of the Department of Consumer and Business Services  
11 for the State of Oregon (“Director”) conducted an investigation into the fitness of Marcos  
12 Pereira Bodart (hereinafter “Bodart” or “Respondent”) to obtain a mortgage loan  
13 originator license under Oregon Revised Statutes (ORS) 86A.200 to 86A.239 and Oregon  
14 Administrative Rules (OAR) 441-850-0005 through 441-885-0010 (hereinafter  
15 collectively referred to as “Oregon Loan Originator Law”);

16 **WHEREAS** the Director has determined that the public interest is served by issuing a  
17 conditional mortgage loan originator license to Bodart pursuant to ORS 86A.224(1)(b); and

18 **WHEREAS** Bodart wishes to resolve his application for licensure expeditiously  
19 and in full cooperation with the Director, he agrees to enter into a consent agreement and  
20 order (“Order”) for conditional licensure as a mortgage loan originator pursuant to ORS  
21 86A.200 to 86A.239;

22 **NOW THEREFORE**, the Director **GRANTS** a conditional mortgage loan  
23 originator license to Bodart subject to continuously meeting the requirements to maintain  
24 the license. Bodart **CONSENTS** to entry of this Order upon the Director’s Findings of  
25 Fact and Conclusions of Law as stated hereinafter:

26 //





1 I. FINDINGS OF FACT

2 The Director FINDS that:

3 1. Respondent, NMLS ID Number 1025812, applied for an Oregon mortgage loan  
4 originator license on February 29, 2013 by completing an application (“Application”)  
5 through the Nationwide Mortgage Licensing System (“NMLS”).

6 2. Respondent answered “yes” to question A(1) on the Application, which asks “Have  
7 you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy  
8 petition within the past 10 years?”.

9 3. In the Application, Respondent indicated that he had filed for Chapter 7 bankruptcy  
10 protection and received a discharge on March 16, 2004.

11 4. The Bankruptcy Code (11 U.S.C. § 1328(f)(1)) requires an individual to wait four  
12 years from the date of filing a Chapter 7 bankruptcy petition to file a Chapter 13 bankruptcy.

13 5. In the Application, Respondent also indicated that he had filed for Chapter 13  
14 bankruptcy protection on June 17, 2011. Respondent’s bankruptcy plan was confirmed on  
15 August 24, 2011 and required monthly payments of \$715 for the first twelve months and then  
16 payments of \$1,480 thereafter. According to a printout from the trustee dated February 21,  
17 2013 provided in the Application, Respondent was not current on his payments under the plan at  
18 the time of application. In his Application, Respondent noted that he has sought a temporary  
19 modification of the bankruptcy plan.

21 II. CONCLUSIONS OF LAW

22 The Director CONCLUDES that:

23 6. Respondent has failed to demonstrate the financial responsibility, character, and  
24 general fitness to command the confidence of the community warranting a determination  
25 that Respondent will operate honestly, fairly, and efficiently as required under ORS  
26 86A.212(1)(d) and OAR 441-880-0210(1)(d) by engaging in a pattern of repeat filings for



1 bankruptcy relief under Chapter 7 in 2004 and under Chapter 13 on June 17, 2011 and by  
2 failing to make timely payments on the Chapter 13 plan.

3 7. Respondent's lack of financial responsibility is grounds for the Director to deny  
4 the license under ORS 86A.212(1)(d) or deny, condition, revoke, or suspend the license  
5 under ORS 86A.224(1)(b).

6  
7 III. ORDER

8 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

9 8. The Director, pursuant to ORS 86A.224, hereby ORDERS that, effective the date of  
10 this order, the Oregon loan originator license issued to Respondent shall be conditioned until  
11 further order of the Director. In addition to completing the requirements of any mortgage loan  
12 originator licensees including, but not limited to, the continuing education and renewal  
13 requirements, the license issued to Respondent shall be subject to the following conditions:

- 14 a. Respondent shall comply with ORS Chapter 86A, OAR 441-850-  
15 0050 through OAR 441-885-0010 and any rule, order, or policy  
16 issued by the Director.
- 17 b. Respondent shall file an amendment updating any information  
18 contained on Respondent's licensing application in NMLS within  
19 30 days of the change of any information.
- 20 c. Respondent shall respond within 30 days to any deficiency placed  
21 on Respondent's license in the NMLS.
- 22 d. Respondent shall demonstrate financial responsibility under the standards  
23 set forth in OAR 441-880-0210. This specifically means that  
24 Respondent shall bring his payments under the Chapter 13 bankruptcy  
25 plan current by July 1, 2013 and thereafter shall remain current on his  
26 payments under the plan. In addition, Respondent shall not have any



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

unpaid judgments, unpaid tax liens, foreclosures, bankruptcy filings or any three accounts that are 90 days or more past due, and must comply with repayment plans, if any, as required.

9. If Respondent fails to comply with the conditions of this license, Respondent agrees to notify the Division of the failure to meet the conditions and surrender his license immediately. If Respondent fails to surrender his license within seven days of providing notification to the Division or from the date that the Division notifies Respondent that the Director believes that there has been a violation of this Order, whichever is earlier, Respondent agrees that the conditional mortgage loan originator license shall be revoked immediately.

10. The date of this order is the day the Director or the Director's nominee signs the order. The entry of this Order does not in any way limit further remedies which may be available to the Director under Oregon law.

Dated this \_\_1st\_\_ day of \_\_April\_\_\_\_\_, 2013.

Patrick M. Allen, Director  
Department of Consumer and Business Services

\_\_\_\_\_/s/ David Tatman\_\_\_\_\_  
David C. Tatman, Administrator  
Division of Finance and Corporate Securities

**CONSENT TO ENTRY OF ORDER**

I, Marcos Pereira Bodart, NMLS ID Number 1025812, state that I have read the foregoing Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. I desire

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 to resolve and settle this matter with the Director. I voluntarily, without any force or duress,  
2 consent to the entry of this Order, expressly waiving any right to a hearing in this matter. I  
3 understand that the Director reserves the right to take further actions to enforce this Order or  
4 to take appropriate action upon discovery of other violations of the Oregon Mortgage Lender  
5 Law, and I will fully comply with the terms and conditions stated herein.

6 I understand that this Consent Order is a public document.

7 Dated this 27th day of March, 2013.

8  
9 /s/ Marcos Bodart  
Marcos Pereira Bodart

10 Subscribed and sworn to before me this 27th day of March, 2013.

11  
12 /s/ Taia Briner  
Signature of Notary

13 Taia Briner  
14 Printed Name of Notary Public  
15 Notary Public for the State of: Oregon

16 My commission expires: October 2, 2016