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

In the Matter of:

Nathan and Crystal Schrader,

Respondents.

**OAH Case No.: 1303247
Division Case No.: MSD- 13-0011

Final Order to Cease and Desist and Final
Order Assessing Civil Penalties Entered by
Default**

On March 8, 2013, the Director of the Department of Consumer and Business Services for the State of Oregon (Director), acting pursuant to his authority granted in Oregon Revised Statutes (ORS) 446.661 *et seq.* (Oregon Manufactured Structure Dealers and Dealerships Law), having investigated the activities of Nathan Schrader and Crystal Schrader, issued administrative order case no. MSD -13-0011. On March 26, 2013, the Division of Finance and Corporate Securities (Division) received a request for hearing from Nathan and Crystal Schrader. On April 11, 2013, the Division issued an Amended Notice Order and submitted a letter to the Schraders stating that they did not need to file another request for hearing as the Division would honor their first request for hearing.

The Division referred the hearing request to the Office of Administrative Hearings on April 24, 2013. A prehearing teleconference was held on June 12, 2013, and Respondent Nathan Schrader participated. At that time the hearing was scheduled to be held on October 3, and 4, 2013. On June 18, 2013, a formal notice of in-person hearing was sent to Respondents with the hearing dates.

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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1 On June 27, 2013, in accordance with a schedule set up during the prehearing
2 conference, Assistant Attorney General Joanna Tucker Davis filed a Motion for Summary
3 Determination. On July 8, 2013, Respondents filed a Response. On August 21, 2013,
4 Administrative Law Judge Rick Barber denied the Division's motion.

5 On October 3, 2013, DFCS staff and the Assistant Attorney General representing
6 DFCS appeared at the Office of Administrative Hearings, ready to conduct the hearing.
7 Respondents failed to appear for hearing at the scheduled time or 9:00 a.m. At 9:15 a.m. the
8 Administrative Law Judge cancelled the hearing because of the Respondents failure to appear.

9 At 11:12 a.m. Respondents emailed the Assistant Attorney General who represents
10 the Division, stating that Respondents "got our days mixed up thinking today was
11 Wednesday."

12 There is no dispute as to the reason for this failure to appear, and the Division finds
13 that it does not constitute good cause for the failure to appear or the hearing. The Director,
14 therefore, now issues this Final Order by default.

15 **FINDINGS OF FACT**

16 The Director finds:

17 1. On various manufactured structure transaction documents related to the sale of
18 manufactured homes that are the subject of this notice order, Nathan Schrader and Crystal
19 Schrader list their address as 6640 SW Juniper Terrace, Beaverton, OR 97008.

20 2. Based on a search of the Division's records on May 8, 2012, neither Nathan
21 Schrader nor Crystal Schrader have ever been licensed as a Manufactured Structure Dealers
22 with the Oregon Division of Finance and Corporate Securities ("Division").

23 3. Based on a search of Oregon State records, during the period from approximately
24 October 2011 through March 2012, Nathan Schrader and Crystal Schrader have sold at least
25 one manufactured structure. The structure, Home No. 274976, is a 1994 Redman Ranchero
26



1 Grande. The structure was sold by the Schraders for profit on or about March 27, 2012.

2 4. Based on a search of Oregon State records, during the period from approximately
3 October 2011 through March 2012, Nathan Schrader has sold at least one additional
4 manufactured structure for profit. The structure, Home No. 256296, is a 1987 Redman
5 Ranchero sold on or about October 18, 2011.

6 **CONCLUSIONS OF LAW**

7 The Director concludes that:

8 5. Nathan Schrader and Crystal Schrader, together and in concert, committed one
9 violations of ORS 446.671 by selling a manufactured structure in Oregon without first being
10 properly licensed with the Division.

11 6. Nathan Schrader individually committed one violation of ORS 446.671 by selling a
12 manufactured structure in Oregon without first being properly licensed with the Division.

13 **ORDER**

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

15 7. Pursuant to ORS 446.748, the Director hereby orders Nathan Schrader and Crystal
16 Schrader to cease and desist from violating Oregon Manufactured Structure Dealers and
17 Dealerships Law.

18 8. Pursuant to ORS 446.995, the Director may assess a civil penalty of up to \$5,000
19 for each violation of the Oregon Mortgage Lender Law and Rules. Pursuant to these
20 provisions, the Director hereby orders that:

- 21 a. Nathan Schrader and Crystal Schrader, jointly and severally, pay a \$5,000 civil
22 penalty to the State of Oregon for one violation of ORS 446.671.
- 23 b. Nathan Schrader individually pay a \$5,000 civil penalty to the State of Oregon
24 for one violation of ORS 446.671.

25 9. The entry of this Order in no way further limits remedies that may be available to
26 the Director under Oregon law.

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Dated this 3rd day of October, 2013.

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

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

Notice

You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the service of this order.

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