

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCE AND CORPORATE SECURITIES
MORTGAGE LENDING SECTION

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF CONSUMER AND BUSINESS SERVICES

In the Matter of:

Mark D. Moore

Respondent.

M-15-0022

ORDER TO CEASE AND DESIST, ORDER
ASSESSING CIVIL PENALTIES AND
CONSENT TO ENTRY OF ORDER

WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter “the Director”) conducted an investigation of Mark D. Moore (hereinafter “Moore”) and determined that Moore violated ORS 59.840 et. seq., currently 86A.100 et. seq., and OAR 441-850-0005 through 441-885-0010 (hereinafter cited as the “Oregon Mortgage Lender Law”); and

WHEREAS Moore wishes to resolve and settle this matter with the Director,

NOW THEREFORE, as evidenced by the authorized signatures subscribed on this order, Moore hereby CONSENTS to entry of this order upon the Director’s Findings of Fact and Conclusions of Law as stated hereinafter.

I. FINDINGS OF FACT

The Director FINDS that:

1. Moore was registered as a loan originator for the now-defunct Oregon mortgage broker, The Mortgage House, from September 2, 2004 through January 27, 2006.
2. In April 2008, the Division received a complaint reporting that, in August 2005, Moore altered a letter written by an accounting firm in connection with a loan he was originating for a

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1 borrower through The Mortgage House.

2 3. On August 10, 2005, the accounting firm wrote a letter on the borrower's behalf for the
3 loan transaction to evidence that he was self-employed for the previous six years.

4 4. Without the accounting firm's permission, Moore changed the date on the letter to
5 August 15, 2005, added to the text that the borrower had been self-employed at the same location
6 during those six years, and cut and pasted the accountant's signature from the August 10 letter.

7 5. Moore then sent the altered letter to the lender to proceed with the loan.

8 6. On another occasion, Moore accepted a check from a borrower made out to him for
9 an appraisal fee on a loan before the appraisal was paid for, deposited the check into his personal
10 account, and gave the borrower a credit at closing for the appraisal fee.

11 7. Moore failed to notify The Mortgage House that he was accepting appraisal checks and
12 depositing them into a personal account, instead of a Client's Trust Account, and providing
13 credits at closing.

14 8. After Moore left The Mortgage House in January 2006, he worked for several other
15 licensed Oregon mortgage brokers until October 15, 2009.

16 9. Division records show Moore has not been licensed as a mortgage loan originator or
17 mortgage broker since then.

18 II. CONCLUSIONS OF LAW

19 The Director CONCLUDES that:

20 1. By making several alterations to the accounting firm's August 15, 2005 letter without the
21 firm's permission, Moore engaged in unfair or unethical practices in connection with the
22 mortgage business in violation of ORS 59.971(1)(a)

23 2. By depositing a check from a borrower into his personal account, not a Clients' Trust
24 Account, before the appraisal fee had been paid, Moore violated ORS 59.935 and OAR 441-875-
25 0030(1). By violating ORS 59.935 and OAR 441-875-0030(1) Moore engaged in an illegal



1 practice or conduct in a business or profession in violation of ORS 59.971(1)(a).

2 III. ORDER

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

4 The Director, pursuant to ORS 59.885(4), currently (ORS 86A.224(3)(a)), hereby orders
5 Moore to cease and desist from violating the Oregon Mortgage Lender Law.

6 Moore agrees not to engage in any activity that requires an Oregon loan originator or
7 mortgage broker license from the Director.

8 Moore agrees not to own or act as a partner, officer, director, experienced person or
9 branch manger or occupy a position of similar status or perform similar functions of an owner,
10 partner, officer, director, experienced person or branch manager for a residential Oregon
11 mortgage broker.

12 The Director, pursuant to ORS 59.996 (currently ORS 86A.224), may assess civil
13 penalties of up to \$5,000 per violation of the Oregon Mortgage Lender Law. The Director,
14 pursuant to ORS 86A.992, hereby ORDERS Moore to pay a civil penalty of \$10,000 for the two
15 violations of ORS 59.971.

16 The Director suspends the civil penalty provided that Moore does not violate the Oregon
17 Mortgage Lender Law or the terms of this order.

18 The entry of this Order in no way limits further remedies which may be available to the
19 Director under Oregon law.

20 Dated this 14th day of August , 2015.

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

23
24 /s/ David Tatman
25 David C. Tatman, Administrator
Division of Finance and Corporate Securities

1 CONSENT TO ENTRY OF ORDER

2 I, Mark D. Moore, state that I have read the foregoing order, and I know and fully
3 understand the contents hereof. I have been advised of the right to a hearing and of the right to
4 be represented by counsel in this matter, and I desire to resolve and settle this matter with the
5 Director. I voluntarily, without any force or duress, consent to the entry of this order, expressly
6 waiving any right to a hearing in this matter. I understand that the Director reserves the right to
7 take further actions to enforce this order or to take appropriate action upon discovery of other
8 violations of the Oregon Mortgage Lender Law and the Oregon statutes regulating debt
9 management service providers, and I will fully comply with the terms and conditions stated
10 herein.

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

12 Dated this 3rd day of August, 2015.

13 By /s/ Mark D. Moore

14 Mark Moore

15 Notary Public for the State of: Oregon

16 Signed or attested before me on: Aug 3, 2015

17 My commission expires: Sept 22, 2017

18 Adam William Logan

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