

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of:

M-16-0169

Kenneth Paul LeVeille,
dba Capitol Mortgage Company,
NMLS No. 319032,

Order to Cease and Desist and Consent to
Entry of Order

Respondent.

The Director of the Department of Consumer and Business Services for the State of Oregon (the Director), acting pursuant to the authority contained in Oregon Revised Statutes (ORS) 86A.100 et seq. and Oregon Administrative Rules (OAR) 441-850-0005 through 441-885-0010 (collectively cited as “the Oregon Mortgage Lender Law”) conducted an investigation into the activities of Kenneth Paul LeVeille (LeVeille) and determined that LeVeille engaged in activities constituting a violation of the Oregon Mortgage Lender Law more specifically set out below. LeVeille now wishes to resolve this matter with the Director.

Now therefore, as evidenced by the authorized signature subscribed on this order, LeVeille hereby consents to entry of this order upon the Director’s Findings of Fact and Conclusions of Law as stated hereinafter:

FINDINGS OF FACT

The Director finds that:

1. LeVeille operates under the assumed business name of Capitol Mortgage Company and was first registered with the Oregon Secretary of State on April 15, 1993.

2. LeVeille obtained an Oregon mortgage broker license from the Division of Financial Regulation (Division) on June 10, 2010, and was issued license no. ML-439. The National Mortgage Licensing System (NMLS) assigned LeVeille NMLS No. 319032.

3. LeVeille’s principal place of business is located at 2254 Wilmington Ave. NW, Salem, OR 97304.

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387





- 1 4. The Oregon Mortgage Lender Law requires licensed mortgage bankers and
- 2 5. mortgage brokers to file quarterly reports with the Division concerning their
- 3 residential
- 4 6. mortgage lending activity.
- 5 7. In 2011 the NMLS released its mortgage call report (MCR) functionality. The
- 6 MCR is comprised of individual reports of activity by state, called Residential Mortgage Loan
- 7 Activity reports (RMLA), that are compiled and submitted by the company through NMLS on a
- 8 quarterly basis for each state in which the company does business or sponsors a mortgage loan
- 9 originator license.
- 10 8. The MCR functionality was developed to provide entities licensed as mortgage
- 11 9. lenders the ability to submit quarterly activity reports. Licensed mortgage
- 12 lenders must submit MCR and RMLA reports through the NMLS system within 45 days of the
- 13 end of the quarter.
- 14 10. The NMLS online resource center provides the following MCR/RMLA
- 15 11. submission deadlines: (1) Quarter one (Q1) – January 1 through March 31 – due
- 16 May 15; (2) Quarter two (Q2) April 1 through June 30, due August 14; (3) Quarter three (Q3)
- 17 July 1 through September 30, due November 14; and (4) Quarter four (Q4) October 1 through
- 18 December 31, due February 14.
- 19 12. The Q4 report for 2015 was due by February 14, 2016.
- 20 13. The compliance campaign for 2015 Q4 MCRs began on February 1, 2016. As
- 21 LeVeille had not filed the 2015 Q4 MCR by February 1, 2016, the Division sent an e-mail to
- 22 LeVeille's e-mail address of record notifying LeVeille of the up-coming deadline.
- 23 14. The e-mail was sent to capitolmortgagecom@comcast.net which is LeVeille's
- 24 listed e-mail address of record.
- 25 15. Because LeVeille missed the February 14, 2016, deadline, NMLS automatically
- 26 placed a deficiency on LeVeille's license on February 15, 2016, notifying LeVeille of the
- obligation to file the 2015 Q4 MCR.
16. On February 15, 2016, the Division reviewed LeVeille's records and found that
- the LeVeille still had not filed the 2015 Q4 MCR report. The Division then verified that

1 LeVeille had a license during the fourth quarter of 2015.

2 17. The Division sent a letter to LeVeille on February 15, 2016, notifying LeVeille
3 of the filing requirement and informing LeVeille that if he did not file the report by March 16,
4 2016, the matter would be referred for enforcement action and assessment of a civil penalty.

5 18. As of March 31, 2016, LeVeille has not filed the Q4 MCR and RLMA report.

6
7 CONCLUSIONS OF LAW

8 The Director concludes that:

9 1. LeVeille violated ORS 86A.239(2) and OAR 441-865-0025 by failing to file the
10 2015 Q4 MCR report, including the RMLA for Oregon, in NMLS by February 14, 2016.

11
12 ORDERS

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

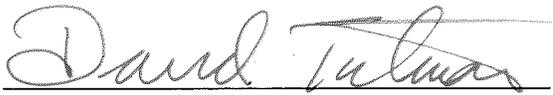
14 1. The Director, pursuant to ORS 86A.127, hereby ORDERS LeVeille to CEASE
15 AND DESIST from violating Oregon's Mortgage Lender Law.

16 2. The Director, pursuant to ORS 86A.992(3) may assess civil penalties of up to
17 \$5,000 per violation for each separate instance of violation, up to a maximum of \$20,000 for a
18 continuing violation.

19 3. The Director, pursuant to ORS 86A.992(2), hereby ORDERS LeVeille to pay a
20 civil penalty of \$1,000 for violating ORS 86A.239(2) and OAR 441-865-0025.

21 Dated this 3rd day of May, 2016 at Salem, Oregon.

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

24 
25 David C. Tatman, Chief Enforcement Officer
26 Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, Kenneth Paul LeVeille state that I have read the foregoing Consent Order and that I know and fully understand the contents hereof; that I have been advised of the right to a hearing and of the right to be represented by counsel in this matter; that I voluntarily and without any force or duress, consent to the entry of this Consent Order, expressly waiving any right to a hearing in this matter; that I understand that the Director reserves the right to take further actions to enforce this Consent Order or to take appropriate action upon discovery of other violations of the Oregon Mortgage Lender Laws and Rules and that I will fully comply with the terms and conditions stated herein.

I understand that this Consent Order is a public document.

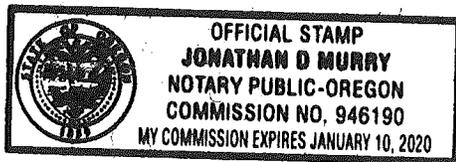
Kenneth Paul LeVeille
Kenneth Paul LeVeille

ACKNOWLEDGMENT

State of Oregon
County of Polk

Signed or attested before me this APRIL 26th 2016 by Kenneth Paul LeVeille.

[Signature]
Notary Public



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