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

In the Matter of: Victor Mikityuk d/b/a CDS Loss Mitigation, LLC and d/b/a Stark Corporation, Respondent.	Case No. DM-15-0067 FINAL ORDER TO CEASE AND DESIST, FINAL ORDER ASSESSING CIVIL PENALTY, AND CONSENT TO ENTRY OF ORDER

WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon ("the Director") has conducted an investigation of certain business activities by Victor Mikityuk d/b/a CDS Loss Mitigation, LLC and d/b/a Stark Corporation (the "Respondent"), and the Director has determined that the Respondent violated Oregon statutes regulating debt management service providers, Oregon Revised Statutes ("ORS") 697.602 to 697.842; and

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

NOW THEREFORE, as evidenced by the authorized signature subscribed on this Order, the Respondent CONSENTS to entry of this Order to Cease and Desist, Order Assessing Civil Penalties, and Consent to Entry of Order ("Order") upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter

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

FINDINGS OF FACT

The Director FINDS:

1. CDS Loss Mitigation, LLC ("CDS") was an Oregon limited liability company that became registered with the Oregon Secretary of State, Corporation Division on May 21, 2009. CDS was administratively dissolved on July 20, 2012.

2. Victor Mikityuk ("Mikityuk") was the manager and registered agent of CDS.

3. At times material to this Order, Stark Corporation was an assumed business name sometimes used by Mikityuk.

4. At times material to this Order, CDS's principal place of business was 10735 SE Stark St Ste 207, Portland, Oregon 97216.

5. On or about September 20, 2013, a consumer who resides in Oregon paid the Respondent an initial fee of $700 (seven hundred dollars). In exchange for the consumer's funds, the Respondent agreed to help the consumer refinance or modify the consumer's home equity loan.

6. In 2014, after no work was completed on the consumer's loan modification, the consumer filed a complaint with the Oregon Department of Consumer and Business Services ("DCBS").

7. In 2014, the Respondent failed to respond to requests from DCBS for information regarding the consumer complaint and the Respondent's business activities in Oregon.

8. At no time material to this Order was the Respondent registered in Oregon with the Director, pursuant to ORS 697.632, as a debt management service provider.

9. After DCBS sent information requests to the Respondent, the Respondent refunded the initial fee to the consumer.

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CONCLUSIONS OF LAW

The Director CONCLUDES:

10. The Respondent engaged in business in Oregon as a debt management service provider, by representing to a consumer in Oregon that the Respondent could or would perform a debt management service, as defined by ORS 697.602(2)(d), and receiving money from an Oregon consumer in exchange for obtaining or attempting to obtain as an

intermediary on the consumer's behalf a concession from a creditor including, but not limited to, a reduction in the principal, interest, penalties or fees associated with a debt.

11. The Respondent violated ORS 697.612 by engaging in the business of debt management service provider in Oregon without being registered with the Director.

12. The Respondent violated ORS 697.692(1)(a) by charging an Oregon consumer an initial fee that exceeded $50 (fifty dollars).

ORDERS

Now, therefore, the Director issues the following ORDERS:

Order to Cease and Desist

13. Pursuant to ORS 697.825(1)(a), the Director hereby ORDERS the Respondent, and all entities owned or controlled by the Respondent, its successors and assignees, to CEASE AND DESIST from violating any provision of the Oregon statutes regulating debt management service providers, ORS 697.602 to 697.842, and any rule promulgated thereunder.

Order Assessing Civil Penalties

14. Pursuant to the authority of ORS 697.832(1), the Director may assess a CIVIL PENALTY in an amount of not more than $5,000 (five thousand dollars) per violation against any person who violates ORS 697.612 or ORS 697.692(1)(a).

15. Pursuant to the authority of ORS 697.832(1), the Director hereby assesses CIVIL PENALTIES totaling $10,000 (ten thousand dollars) against the Respondent for violations of ORS 697.612 and ORS 697.692(1)(a). These civil penalties include $5,000 (five thousand dollars) for one violation of ORS 697.612, engaging in the business of performing debt management services without being registered with the Director, and $5,000 (five thousand dollars) for one violation of ORS 697.692(1)(a), charging the consumer an excessive initial fee.

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16. The Director hereby SUSPENDS $9,500 (nine thousand five hundred dollars) of the civil penalties, so long as Respondent complies with all terms of this Order and complies with the Oregon laws governing debt management service providers, PROVIDED HOWEVER, that the suspended portion of the civil penalties shall be immediately due and payable upon a determination by the Director that the Respondent has violated any term of this Order, or any provision of the Oregon laws governing debt management service providers.

17. Respondent must pay $500 (five hundred dollars) of the civil penalties upon the execution of this Order.

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

SO ORDERED this 28th day of November, 2018.

Cameron C. Smith, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, Victor Mikityuk d/b/a CDS Loss Mitigation, LLC and d/b/a Stark Corporation, state that I am a resident of the State of Oregon, that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing and my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter; that I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of Oregon law by me; and that I will fully comply with the terms and conditions stated herein.

I further assure the Director that I will not offer or provide services in Oregon unless such services are in full compliance with chapter 697 of the Oregon Revised Statutes.

I understand that this Order is a public document.

/s/ Victor Mikityuk
Victor Mikityuk

SUBSCRIBED AND SWORN to before me this 7th day of November, 2018.

State of: Oregon

County of: Clackamas

/s/ Kaitlin McKiernan____
Signature of Notary Public

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