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

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

In the Matter of:

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Kendall F. Rosemeyer dba Royal Mobile Estates 55 and Over Community,

Respondent.

MSD 19-0038

Final Order to Cease and Desist and Consent to Final Order Assessing Civil Penalties

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.* and Oregon Administrative Rules (OAR) 441-446-0100 through 441-446-0300 (Oregon Manufactured Structure Dealers and Dealerships Law), investigated the activities of Kendall F. Rosemeyer dba Royal Mobile Estates 55 and Over Community (RME) and determined that violations had been committed.

RME now wishes to resolve and settle this matter with the Director. As evidenced by the authorized signature subscribed on this order, RME consents to entry of this order upon the Director's Findings of Fact and Conclusions of Law as stated below.

FINDINGS OF FACTS

The Director finds that:

- 1. On or about October 4, 2018, the Oregon Division of Financial Regulation (Division) received a complaint regarding the activities occurring at RME, a 55 and over mobile home park located at 4652 Avens Ave. NE, Salem, Oregon. The Division began an investigation into the activities at the park.
- 2. The park is owned by Rosemeyer, who resides out of state. RME is managed by Linda Birdsong (Birdsong) who has been the manager of the park for approximately 29 years and is an authorized agent of Rosemeyer.
- 3. RME has been registered with the Oregon Secretary of State since December 26, 2018. RME is an assumed business name and the registrant for and owner of RME is Rosemeyer.

4. At all times material, neither Rosemeyer nor RME had an Oregon manufactured structure dealers (MSD) license to sell manufactured structures.

5. On October 4, 2018, and throughout the course of the investigation, the Division advised Rosemeyer and Birdsong of the need for an Oregon MSD license in order to sell mobile homes.

6. The Division's investigation revealed that Birdsong, as Rosemeyer's agent and on behalf of RME, sold at least 16 manufactured structures in Oregon without an Oregon MSD license.

Those homes were as follows:

Home ID	Space No.	Street	Seller	Date	Price
262146	144	BROADMORE	REM	2/1/2017	\$6,000
172438	4743	ANTLER	RME	9/2/2015	\$1,500
234358	146	47th	RME	5/1/2015	\$5,500
208060	145	47th	RME	4/1/2015	\$6,500
178248	115	47th	RME	2/11/2015	\$2,500
222878	125	47th	RME	2/1/2015	\$4,000
244601	4685	AVENS	RME	6/5/2014	\$3,500
159620	135	47th	RME	1/1/2014	\$3,500
100431	4732	ANTLER	RME	11/1/2013	\$3,000
160262	104	BROADMORE	RME	4/26/2010	\$6,000
150150	263	BROADMORE	RME	3/24/2010	\$4,000
172389	177	CLEARWATER	RME	1/25/2010	\$750
247008	4736	AMBER	RME	12/9/2009	\$11,000
157106	106	CLEARWATER	RME	8/20/2009	\$1.00
225082	4746	AMBER	RME	11/5/2007	\$23,000
223466	167	CLEARWATER	RME	10/1/2007	\$13,000

7. On July 8, 2019, RME obtained an Oregon Manufacture Structure Dealer Limited license. The license number is MLS175 and the license expires on July 31, 2021.

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CONCLUSIONS OF LAW

The Director concludes that:

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1. RME, through Birdsong as an agent, acted as a manufactured structure dealer between October 1, 2007 and February 1, 2017 when RME offered to sell or sold at least sixteen manufactured structures in Oregon without an Oregon MSD license in violation of ORS 446.671(1)(a).

ORDERS

NOW, THEREFORE, the Director issues the following orders:

- 1. Pursuant to ORS 446.748, the Director hereby orders RME to cease and desist from violating the Oregon Manufactured Structure Dealers and Dealerships Law.
- 2. Pursuant to ORS 446.995(2)(a) the Director orders RME to pay a total civil penalty of \$20,000 for 16 violation of ORS 446.671(1)(a).
- 3. However, \$10,000 of the civil penalty shall be suspended for a period of three (3) years provided that RME does not violate any terms or conditions of this Consent Order. If at the end of the three (3) year period RME has fully complied with the provisions of the Consent Order, the civil penalty will automatically expire. If RME is found to have committed any such violation, then the suspended portion of the assessed civil penalty will become immediately due and payable.
- 4. The remaining civil penalty of \$10,000 shall be submitted to the Director at the time the Consent Order is submitted to the Director.

Dated this	7th	day of	October	, 2019.
		ON C. SMITH D nt of Consumer		ervices
	•	ny Bean Bean, Chief of Ea of Financial Reg		

CONSENT TO ENTRY OF ORDER

I, Kendall Rosemeyer state that I am an the owner of RME and I am authorized to act on its behalf. 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. RME voluntarily and without any force or duress consents to the entry of this Order expressly waiving any right to a hearing in this matter. RME understands that the Director reserves the right to take further actions to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Mortgage Lender Law. RME will fully comply with the terms and conditions stated herein.

RME further assures the Director that neither RME nor its officers, directors, employees, or agents will effect mortgage transactions in Oregon unless such activities are in full compliance with the Oregon Manufactured Structure Dealers and Dealerships Law. RME understands that this consent order is a public document.

By	/S/ Kendal Rosemeyer		
-	•	Title	

ACKNOWLEDGMENT

State of	Arizona))ss.
County of _	Yavapai	

This instrument was acknowledged before me on	10/2	_, 2019 by
_		_
/S/ Kendall Rosemeyer		

/S/ Marta Fosnough	
Notary Public	

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