

1 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
2 DIVISION OF FINANCE AND CORPORATE SECURITIES
3 FINANCE SECTION
4 BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
5 STATE OF OREGON

6 In the Matter of

7 FIRST CALL MORTGAGE &
8 INVESTMENT LLC

9 ORDER NO. O-01-0037

10 CEASE AND DESIST ORDER AND
11 CONSENT TO IMPOSITION OF CIVIL
12 PENALTIES

13 To: First Call Mortgage & Investment LLC
14 832 E Main Suite 9
15 Medford, Oregon 97504

16 **WHEREAS** the Director of the Department of Consumer and Business Services
17 for the State of Oregon (hereinafter "the Director") conducted an investigation of First
18 Call Mortgage & Investment LLC, and determined that First Call Mortgage & Investment
19 LLC engaged in activities constituting violations of ORS 59.840 through 59.965
20 (hereinafter "the Oregon Mortgage Lender Law"); and

21 **WHEREAS** First Call Mortgage & Investment LLC wishes to resolve and settle
22 this matter with the Director;

23 **NOW THEREFORE**, as evidenced by the authorized signatures subscribed on
24 this order First Call Mortgage & Investment LLC hereby **CONSENTS** to entry of this
25 order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

26 **FINDINGS OF FACT**

The Director **FINDS** that:

1. First Call Mortgage & Investment LLC (hereinafter "Respondent"), formed in Oregon on November 2, 2000 engages in residential mortgage transactions in Oregon or on Oregon real property in expectation of compensation.

1 **ORDER**

2 The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that First Call
3 Mortgage & Investment LLC will **CEASE AND DESIST** from violating any provision of
4 Oregon Mortgage Lender Law, OAR 441-850-0005 through 441-885-0010 and any rule,
5 order, or policy issued by the Director.

6 The Director, pursuant to ORS 59.996 hereby **ORDERS** First Call Mortgage &
7 Investment LLC to pay the State of Oregon a civil penalty of \$8,000. The civil penalty
8 is based upon \$5,000 for engaging in activity at the branch office prior to notifying the
9 Division, \$2,700 for funding 27 loans originated from the branch office prior to notifying
10 the Division of the branch office (\$100 for each of 27 loans), and \$300 for taking 6 loan
11 applications at the branch office that did not fund prior to notifying the Division of the
12 branch office (\$50 for each of 6 loan applications).

13 The \$8,000 civil penalty is to be paid in eleven installments of \$700 beginning
14 from April 1, 2002 and continuing monthly on the first day of the month with a final
15 payment of the remaining balance of \$300 to be paid no later than February 1, 2003.

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

18 Dated this 20 day of February, 2002.

19 **MARY C. NEIDIG, DIRECTOR**
20 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

21
22
23 by 
24 **GREGORY A. MALKASIAN, ACTING ADMINISTRATOR**
25 **DIVISION OF FINANCE AND CORPORATE SECURITIES**
26

1 **CONSENT TO ENTRY OF ORDER**

2 I, James C. Nestler, state that I am the
3 Manager of First Call Mortgage & Investment LLC, and I am
4 authorized to act on its behalf; that I have read the foregoing Order and that I know and
5 fully understand the contents hereof; that First Call Mortgage & Investment LLC admits
6 the findings of fact herein, voluntarily consents to the entry of this Order without further
7 hearing, expressly waiving any right to a hearing in this matter; that First Call Mortgage
8 & Investment LLC understands that the Director reserves the right to take further actions
9 to enforce this order or to take appropriate action upon discovery of other violations of
10 Oregon Mortgage Lender Law; and that First Call Mortgage & Investment LLC will fully
11 comply with Oregon Mortgage Lender Law.

12 I understand that this Consent Order is a public document.

13 Dated this 15 day of February 02

14 By James C. Nestler Manager
15 (Office Held)
16 James C. Nestler
17 (Signature)

18 **CORPORATE ACKNOWLEDGMENT**

19 There appeared before me this 15th day of February, 2002,
20 James C. Nestler, who was first duly sworn on oath, and stated that she was
21 and is the Manager of First Call Mortgage & Investment LLC and
22 _____ is authorized and empowered to sign this Consent to Entry of
23 Order on behalf of First Call Mortgage & Investment LLC and to bind First Call Mortgage
24 & Investment LLC to the terms hereof.

25 Kay E. Perry
26 Signature of Notary Public
Notary Public for the State of: Oregon
My Commission expires: 1/8/05

