DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCE AND CORPORATE SECURITIES
FINANCE SECTION
BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

In the Matter of: **Fidelity National Mortgage Corporation,** **Respondent.**	**M-02-0057** **ORDER TO CEASE AND DESIST** **ORDER ASSESSING CIVIL PENALTIES** **And** **CONSENT TO ENTRY OF ORDER**

The Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter "the Director") acting by the authority of the Chapter 59 of the Oregon Revised Statutes (hereinafter cited as "the Oregon Mortgage Lender Law"), hereby issues the following Findings of Fact, Conclusions of Law, Order and Notice of Right to a Public Hearing:

FINDINGS OF FACT

The Director **FINDS** that:

1. Fidelity National Mortgage Corporation (hereinafter "Respondent"), incorporated in Delaware on June 11, 1996 engages in residential mortgage transactions in Oregon or on Oregon real property in expectation of compensation.

2. The Director licensed Respondent to engage in Oregon residential mortgage lending between December 17, 1996 and January 31, 2001 and continuously since December 17, 2001 for all times relevant.

3. Weiss Omar is the owner of Respondent.

4. On October 12, 2001, the Director sent notice to all licensees that there had been changes in the Oregon Mortgage Lender Law and proposed changes in the administrative rules. The notice was posted on the web site where applicants are

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directed to obtain an application for a mortgage lender license.

5. In January 2002, the Director published a new issue of the Mortgage Lender News on the web site that included an explanation of the new notification requirements.

6. On February 14, 2002, the Director sent a notice to all licensees that the final rules had been approved and were available on the web site along with the January 2002 issue of the Mortgage Lender News that explained the new requirements.

7. On August 9, 2002, the Director sent a letter to Respondent informing Respondent that the Director had not received notification of Respondent's loan originators and requesting that Respondent provide the required information by September 1, 2002 to avoid civil penalties.

8. The August 9, 2002 was not returned by the United States Postal Service.

9. As of October 24, 2002, Respondent still had not contacted the Director or produced the loan originator information as requested.

CONCLUSIONS OF LAW

The Director **CONCLUDES** that:

1. Fidelity National Mortgage Corporation violated OAR 441-880-0030(1) by failing to produce the required information about Fidelity National Mortgage Corporation's loan originators by January 30, 2002.

2. Fidelity National Mortgage Corporation violated ORS 59.969(1) by failing to provide to the Director information about Fidelity National Mortgage Corporation's loan originators.

ORDER

The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that Fidelity National Mortgage Corporation will **CEASE AND DESIST** from violating any provision of Oregon Mortgage Lender Law, OAR 441-850-0005 through 441-885-0010 and any rule, order, or policy issued by the Division.

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The Director, pursuant to ORS 59.996 hereby **ORDERS** Fidelity National Mortgage Corporation to pay the State of Oregon a civil penalty of $5,000.

The Director suspends payment of $2,500 of the assessed civil penalty for a three-year period. If in the period between the date of the Order to three years from the date of the Order or until the non-suspended portion of the civil penalty has been paid, whichever occurs later, Fidelity National Mortgage Corporation violates any provision of the Oregon Mortgage Lender Law. OAR 441-850-0005 through 441-885-0010 or any rule, order, or policy issued by the Division, the suspended portion of the assessed civil penalty will become immediately due and payable. If Fidelity National Mortgage Corporation does not violate the Oregon Mortgage Lender Law, OAR 441-850-0005 through 441-885-0010 or any rule, order, or policy issued by the Division in three years from the date of the Order or until the non-suspended portion of the civil penalty has been paid, whichever occurs later, the suspended portion of the civil penalty is waived.

The $2,500 non-suspended portion of the civil penalty may be paid in minimum monthly installments of $250. The first payment is due no later than March 1, 2005 and payment shall be due thereafter on the first day of each month until the $2,500 non-suspended portion of the civil penalty is paid in full.

The date of this order is the day the Director or Director's nominee signs the order. The entry of this Order in no way limits further remedies which may be available to the Director under Oregon law.

Dated this 1ST day of MARCH, 2005, at Salem, Oregon.

FLOYD G. LANTER, ADMINISTRATOR
DIVISION OF FINANCE AND CORPORATE SECURITIES
DEPARTMENT OF CONSUMER & BUSINESS SERVICES

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CORPORATE CONSENT TO ENTRY OF ORDER

I, Weiss Omar, state that I am an officer of Fidelity National Mortgage Corporation, and I am authorized to act on its behalf; that I have read the foregoing Order and that I know and fully understand the contents hereof; that I and this entity have been advised of the right to a hearing and of the right to be represented by counsel in this matter; that Fidelity National Mortgage Corporation voluntarily and without any force or duress, consents to the entry of this Order, expressly waiving any right to a hearing in this matter; that Fidelity National Mortgage Corporation 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; and that Fidelity National Mortgage Corporation will fully comply with the terms and conditions stated herein.

Fidelity National Mortgage Corporation further assures the Director that neither Fidelity National Mortgage Corporation, nor its officers, directors, employees or agents will effect mortgage transactions in Oregon unless such activities are in full compliance with Chapter 59 of the Oregon Revised Statutes.

Fidelity National Mortgage Corporation understands that this Consent Order is a public document.

Dated this 15th day of February, 2005.

By _____
(Signature of officer)

President
(Office Held)

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CORPORATE ACKNOWLEDGMENT

There appeared before me this 1st day of February, 2005, , who was first duly sworn on oath, and stated that he was and is Miss Omar of Fidelity National Mortgage Corporation and that he is authorized and empowered to sign this Consent to Entry of Order on behalf of Fidelity National Mortgage Corporation, and to bind Fidelity National Mortgage Corporation to the terms hereof.

Jessica M. Arcias
(Individual)

Jessica M. Arcias
(Printed Name of Notary Public)
Notary Public
for the State of: California
My commission expires: 1/22/09

JESSICA M. AREIAS
COMM # 1546173
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Commission Expires Jan. 22, 2009

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