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**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCE AND CORPORATE SECURITIES
ENFORCEMENT SECTION
BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

In the Matter of:

**Excel Funding, Inc., Brett Lawrence,
and Thomas Bonner,**

Respondents.

M-05-0014

**ORDER TO CEASE AND DESIST,
ORDER ASSESSING CIVIL PENALTY
AND CONSENT TO ENTRY OF ORDER**

WHEREAS the Director of the Department of Consumer and Business Services has conducted an investigation of certain business activities conducted by Excel Funding, Inc. and by Brett Lawrence and Tom Bonner, and has determined that they have failed to meet the background requirements for their loan originators as required under Oregon law;

WHEREAS Excel Funding, Inc., Brett Lawrence and Tom Bonner wish to resolve and settle this matter with the **DIRECTOR**;

NOW THEREFORE, as evidenced by the authorized signature(s) subscribed on this Order, Excel Funding, Inc., Brett Lawrence and Tom Bonner hereby **CONSENT** to entry of this Order to Cease and Desist upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter.

FINDINGS OF FACT

The Director **FINDS** that:

1. Excel Funding, Inc., (hereinafter "Respondent"), is registered with the State of Washington Corporations Division as a corporation, number 601962565. Respondent was incorporated on June 1, 1999; its license will expire on June 30, 2005. The registered agent for the Respondent is Brett T. Lawrence, with an address of 6105 NE Hwy 99, #102; Vancouver, WA 98665.

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1 2. Respondent was registered to do business in Oregon with the Secretary of State on June
2 9, 2005. The registered agent is Justin Lawrence, with an address of 52868 NW 6th Street;
3 Scappoose, OR 997056. The president of Excel Funding is Brett Lawrence, with an address of
4 14717 NW 4th Court; Vancouver, WA 98685.

5 3. Respondent was originally licensed by the Director on March 18, 1999. At all relevant
6 times, Respondent has been licensed by the Director to engage in Oregon residential mortgages
7 from a location of 400 East 13th Street; Vancouver, WA 98660.

8 4. The primary contact for Respondent is Brett Lawrence. He has a business address of 400
9 East 13th Street; Vancouver, WA 98660. He has an additional address of 14717 NW 4th Court;
10 Vancouver, WA 98685. Mr. Lawrence is an owner and control person of Excel Funding, Inc.

11 5. Thomas G. Bonner is the Vice President and an owner of Excel Funding, Inc. He is also
12 a control person. He has an address of 2324 SE 175th Ave.; Vancouver, WA 98683.

13 6. On behalf of the Director of the Department of Consumer and Business Services, Tim
14 Spencer, an examiner from the Division of Finance and Corporate Securities, (hereinafter "the
15 Director") conducted a routine examination of Respondent's office at the address shown in
16 Paragraph 1 above. This examination was conducted on July 15, 2004, and was conducted in
17 accordance with applicable laws and rules, and in conformance with standard policy and
18 practice.

19 7. As part of this exam, the Director reviewed and analyzed records of the Respondent. An
20 exam report was prepared following the exam, detailing the Director's findings.

21 8. ORS 59.972 requires mortgage brokers and mortgage bankers to "conduct a criminal
22 records check of each individual who the mortgage broker or mortgage banker employs or
23 intends to employ as a loan originator." OAR 441-880-0050(2) became effective January 1,
24 2004. This rule requires that where a loan originator begins work for a licensee after January 1,
25 2004, a criminal records check must be completed before the person starts to work for the
26 licensee. It further requires that, where a loan originator was already employed by a licensee on

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Salem, OR 97301-3181
Telephone: (503) 378-4387



1 January 1, 2004, a criminal records check must have been completed within 120 days of the
2 effective date of the rule; that is, by April 30, 2004.

3 9. During the course of this exam, the Director discovered, among other things, that the
4 Respondent had not completed a criminal records check as required by OAR 441-880-0050(2)
5 for several of its loan originators, as described below:

- 6 a. Scott Benoit began work for Excel Funding as a Loan Originator on January 25,
7 2004. A criminal records check concerning Mr. Benoit was completed April 5,
8 2004 – after he began work for Excel Funding, not before he was employed by
9 Excel Funding.
- 10 b. Justin Lawrence began work for Excel Funding as a Loan Originator on February
11 17, 1999. A criminal records check concerning Mr. Lawrence was completed on
12 July 16, 2004 – over two months after the deadline.
- 13 c. Jennifer Leung began work for Excel Funding as a Loan Originator on March 1,
14 2003. A criminal records check concerning Ms. Leung was completed on July 16,
15 2004 – over two months after the deadline.
- 16 d. Allan Widlits began work for Excel Funding as a Loan Originator on January 1,
17 2003. A criminal records check concerning Mr. Widlits was completed on July
18 16, 2004 – over two months after the deadline.
- 19 e. Terrance Dickens was registered with the Division as a loan originator as of
20 October 1, 2003, by virtue of a Section 6 Form submitted to the Division by Excel
21 Funding. No criminal records check was ever completed concerning Mr. Dickens.
22 Excel Funding now asserts that the Section 6 Form was submitted concerning Mr.
23 Dickens in error and that Mr. Dickens has never worked as a loan originator for
24 Excel Funding.

25 10. Respondent employed Mr. Lawrence, Ms. Leung, and Mr. Widlits when the new
26 requirements went into effect requiring Respondent to conduct a criminal background check of

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1 federal and relevant state records of all existing loan originators by April 30, 2004.

2 11. The criminal records checks set out above were not completed timely and therefore Excel
3 Funding failed to comply with Oregon law.

4 **CONCLUSIONS OF LAW**

5 The Director **CONCLUDES** that: Each Respondent violated Oregon law, including but
6 not limited to ORS 59.972 and ORS OAR 441-880-0050 by failing to obtain criminal records
7 checks on the above mentioned loan originators, and to provide to the Director of those checks.

8 **ORDER**

9 The Director, pursuant to ORS 59.885(4) hereby **ORDERS** that Excel Funding, Inc.,
10 Brett Lawrence, and Thomas Bonner each **CEASE AND DESIST** from violating any provision
11 of Oregon Mortgage Lender Law, ORS 59.840 *et seq.*, OAR 441-850-005 through 441-885-0010
12 and any rule, order or policy issued by the Division.

13 The Director, pursuant to ORS 59.996 hereby **ORDERS** the Respondents, jointly and
14 severally are assessed a total penalty of \$25,000.00, \$20,000.00 of which will be suspended for
15 three years to begin on day the Director signs this Order, so long as Respondents fully comply
16 with the Oregon Mortgage Lending laws. The amount presently due - \$5,000.00 - may be paid
17 in monthly installments in the amount of \$500.00, to be received no later than the fifth business
18 day of each month beginning on August 5, 2005. If any amount due under this order is not
19 received timely, or violations of the Oregon Mortgage Lending law are found to have occurred
20 during the three year period set forth above, the suspended portion of this penalty assessment
21 shall become immediately due and payable, and interest at the statutorily allowed rate shall begin
22 to accrue at that time. The total civil penalty is based upon an assessment of \$5,000.00 for
23 violating OAR 441-880-0050 on at least five occasions, for each of the loan originators set forth
24 above.

25 ///

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

3 Dated this 21st day of July, 2005 at Salem, Oregon.

4 **CORY STREISINGER, Director**
5 **Department of Consumer and Business Services**

6 


7 **Floyd Lanter, Administrator**
8 **Division of Finance and Corporate Securities**

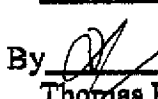
9 **CONSENT TO ENTRY OF ORDER**

10 We, Brett Lawrence and Thomas Bonner, both corporate officers of Excel Funding, state
11 that we have read the foregoing Order and that we know and fully understand the contents
12 hereof; that we have been advised of the right to a hearing and of the right to be represented by
13 counsel in this matter; that we voluntarily and without any force or duress, consent to the entry of
14 this Order, expressly waiving any right to a hearing in this matter; that we understand that the
15 Director reserves the right to take further actions to enforce this Order or to take appropriate
16 action upon discovery of other violations of the Oregon Mortgage Lender Law; and that we will
17 fully comply with the terms and conditions stated herein.

18 We further assure the Director that neither we, nor the employees or independent
19 contractors of Excel Funding will effect mortgage transactions in Oregon unless such activities
20 are in full compliance with Chapter 59 of the Oregon Revised Statutes. We understand that this
21 Consent Order is a public document.

22 Dated this 18 day of July, 2005.

23 By 
24 Brett Lawrence, Individually and as
25 Owner for Excel Funding.

26 By 
Thomas Bonner, Individually and as
Co-Owner for Excel Funding.

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350 Winter Street NE, Suite 410
Salem, OR 97301-3281
Telephone: (503) 378-4387



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CORPORATE ACKNOWLEDGMENT

There appeared before me this 18 day of July, 2005, Brett Lawrence and Thomas Bonner, who was first duly sworn on oath, and stated that they were and currently hold the corporate positions set out above, and that they are authorized and empowered to sign this Consent to Entry of Order individually and on behalf of Excel Funding and to bind Excel Funding to the terms hereof.

James M Spooner
(Printed Name of Notary Public)
Notary Public
for the State of: WA
My commission expires: 9/10/06



NOTARY PUBLIC
STATE OF WASHINGTON

James M. Spooner
MY COMMISSION EXPIRES 09/10/2006

Division of Finance and Corporate Securities
Lathrop and Bankers Building
350 Winter Street NW, Suite 410
Salem, OR 97301-3181
Telephone: (503) 378-4187

