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: **Misti Lynne Byrd,** **Respondent.**	**M-05-0072-2** **FINAL ORDER TO CEASE AND DESIST BY DEFAULT**

On August 15, 2005, the Director of the Department of Consumer and Business Services for the State of Oregon (hereafter the "Director"), acting by and pursuant to the authority of Oregon Securities Law, Chapter 59 of the Oregon Revised Statutes, and other applicable authority, issued Administrative Order No. M-05-0072-2 to Cease And Desist And Assessing Civil Penalties And Notice Of Right To Hearing (hereafter "the Order") against Respondent Misti Lynne Byrd.

On August 17, 2005, Respondent Misti Lynne Byrd was duly served with a true copy of the Order and Notice by United States Mail, postage prepaid, and addressed to Respondent Misti Lynne Byrd at the following last known address: 31946 Star Mooring Archcape (General Delivery), Arch Cape Oregon 97102. The mailing was returned, marked "unclaimed."

Respondent Misti Lynne Byrd has not made a written request for a contested case hearing in this matter and the time to do so has expired.

NOW THEREFORE, after consideration of the Investigation Report and accompanying exhibits submitted in this matter by Kirsten Anderson, Enforcement Officer, the Director hereby issues the following Findings of Fact, Conclusions of Law, and Final Order:

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Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4140

FINDINGS OF FACT

The Director **FINDS** that:

1. Misti Lynne Byrd (hereinafter, "Respondent"), born January 23, 1969, acted as a loan originator for several mortgage brokers or bankers licensed by the Director, including but not limited to Sierra Pacific Mortgage Company, Inc.

2. On July 15, 2003, Respondent entered a guilty plea and was convicted of one count of False Statement on a Loan Application under 18 USC § 1014, a Class B felony punishable by up to 30 years of imprisonment.

CONCLUSIONS OF LAW

The Director **CONCLUDES** that:

1. OAR 441-880-0050(4)(a) provides that "crimes punishable by death or imprisonment in excess of one year under the law under which the person was convicted," is among the categories of criminal convictions that will prevent a person from acting as a loan originator.

2. Because on July 15, 2003, Respondent pled guilty to and convictions were entered for one count of False Statement on a Loan Application under 18 USC § 1014, which is a crime punishable by up to 30 years of imprisonment, ORS 59.971(2) prohibits Respondent from acting as a loan originator as defined in ORS 59.840 or 59.970.

3. Because on July 15, 2003, Respondent pled guilty to and convictions were entered for one count of False Statement on a Loan Application under 18 USC § 1014, a Class B felony, ORS 59.865(4) permits the Director to deny a mortgage license to Respondent.

4. Because on July 15, 2003, Respondent pled guilty to and convictions were entered for one count of False Statement on a Loan Application under 18 USC § 1014, a Class B felony, ORS 59.865(4) in conjunction with ORS 59.870 permits the Director to deny a mortgage license to any company that applies for a license in which Respondent

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is a partner, officer or director, occupies a similar status or performs similar functions, or directly or indirectly controls the mortgage banker or mortgage broker.

ORDER

NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that Respondent 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.

The Director hereby **ORDERS** that Misti Lynne Byrd is permanently restrained, enjoined, and prohibited from, directly or indirectly:

1. Acting as a loan originator, as that term is defined in ORS 59.840(4);

2. Owning or operating as a mortgage banker or mortgage broker, as those terms are defined in ORS 59.840(5) and (7) respectively; or

3. Acting as a partner, officer, director, or experienced person as described in ORS 59.850(2), or occupying similar status or performing similar functions of a partner, officer, director, or experienced person for a mortgage banker or mortgage broker, or indirectly controlling a mortgage banker or mortgage broker.

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

IT IS SO ORDERED.

Dated this 11th day of October, 2005, at Salem, Oregon.

CORY STREISINGER, Director
Department of Consumer and Business Services

David Tatman, Acting Administrator
Division of Finance and Corporate Securities

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NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

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