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
STATE OF OREGON

In the Matter of	**O-02-0035**
ACCESS INTEGRITY FUNDING CORP DBA 1ST ACCESS INTEGRITY MORTGAGE COMPANY DBA AMERICA'S MORTAGE STORE	**CEASE AND DESIST ORDER AND CONSENT TO IMPOSITION OF CIVIL PENALTIES**

To: Access Integrity Funding Corp.
dba 1st Access Integrity Mortgage Company
dba America's Mortgage Store
14795 SW Scholls Murray Drive #124
Beaverton OR 97007

WHEREAS the Director of the Department of Consumer and Business Services, Division of Finance and Corporate Securities (hereinafter "Director") for the State of Oregon has conducted an investigation of Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store (hereinafter "Respondent"), and has determined that Respondent engaged in activities constituting violations of ORS 59.840 through 59.965 and the administrative rules from OAR 441-850-005 to 441-885-0010 (hereinafter "the Oregon Mortgage Lender Law"); and

WHEREAS Respondent wishes to resolve and settle this matter with the Director;

NOW THEREFORE, as evidenced by the authorized signatures subscribed on this Order, Respondent hereby **CONSENTS** to entry of this order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

FINDINGS OF FACT

The Director **FINDS** that:

1. Respodent is an Oregon corporation formed on May 31, 1996. Nicole Zukas

is the 100% owner of Respondent. The Director first issued a mortgage banker/broker license to Respondent on June 27, 1996. Respondent has been continuously licensed since June 27, 1996. Respondent's license is currently set to expire on June 26, 2003.

2. The name "Access Integrity Mortgage" has been registered by the Respondent as an assumed business name at the Corporation Division of the Secretary of State for the State of Oregon.

3. On September 4, 2002, the Director obtained an Official Program Guide to the Sister Folk Festival 2002 which contained an advertisement by Respondent using the name "Access Integrity Mortgage" to solicit mortgage business.

4. As of September 12, 2002, the name "Access Integrity Mortgage" has not been placed as the company name or an assumed business name on the mortgage lender license issued to Respondent or any other licensee.

5. As of September 12, 2002, the Director has not received a surety bond or surety bond rider indicating that the name "Access Integrity Mortgage" has been added to the surety bond maintained by Respondent as required by 59.850(5).

6. As of September 12, 2002, the Director has not received notice that the name "Access Integrity Mortgage" has been placed on a clients' trust account nor has the Director received an Affidavit and Undertaking filed by Respondent to notify the Director that Respondent will not accept clients' funds prior to close of escrow under the assumed business name "Access Integrity Mortgage."

7. On September 14, 2000, Respondent signed Cease and Desist Order and Consent to the Imposition of Civil Penalties, Order number O-00-0019, issued by the Director ordering Respondent to cease and desist from violating the Oregon Mortgage Lender Law and imposing a civil penalty based upon Respondent's advertisement of the assumed business name "Access Integrity Mortgage" when that name has not been listed as the company name or an assumed business name on the mortgage lender

license issued by the Director to Respondent.

8. The advertisement placed by Respondent contained the phrase "30 year fixed rate," a trigger term as defined in the advertising regulations of the Truth in Lending Act at 12 CFR 226.24(c)(1)(ii).

9. The advertisement did not contain the amount or percentage of down payment as required by the advertising regulations of the Truth in Lending Act at 12 CFR 226.24(c)(2)(i) when a trigger term is present in the advertisement.

10. The advertisement did not contain the terms of repayment as required by the advertising regulations of the Truth in Lending Act at 12 CFR 226.24(c)(2)(ii) when a trigger term is present in the advertisement.

11. Respondent agrees that violations noted in this Order may be used any future action by the Director against Respondent for any purpose other than assessing a monetary civil penalty for the actions noted in this Order.

12. Respondent further agrees that any further violation of the advertising provisions of the Truth in Lending Act or Oregon law or administrative rules will be grounds for the suspension or revocation of the mortgage lender license issued to Respondent.

CONCLUSIONS OF LAW

The Director **CONCLUDES** that:

1. Respondent violated OAR 441-860-0025 by using the assumed business name "Access Integrity Mortgage" to solicit mortgage business prior to providing the Director a surety bond evidencing coverage of the assumed business name and a completed Affidavit and Undertaking listing the assumed business name.

2. Respondent violated ORS 59.865(2) by repeatedly using an assumed business name in connection with the mortgage business without providing the required documentation to the Director based upon the violation noted in this Order and in Cease

and Desist Order and Consent to the Imposition of Civil Penalties, Order number O-00-0019.

3. Respondent violated 12 CFR 226.24(c)(2)(i) by failing to disclose the amount or percentage of down payment required when Respondent placed the trigger term "30 year fixed rate" in the advertisement.

4. Respondent violated 12 CFR 226.24(c)(2)(ii) by failing to disclose the terms of repayment when Respondent placed the trigger term "30 year fixed rate" in the advertisement.

5. Respondent violated ORS 59.865(2) by engaging in an illegal practice in any business or profession by violating 12 CFR 226.24(c)(2)(i) and 12 CFR 226.24(c)(2)(ii).

ORDER

The Director, pursuant to ORS 59.885(4), hereby **ORDERS** that Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store will **CEASE AND DESIST** from violating any provision of Oregon Mortgage Lender Law and its accompanying administrative rules or 12 CFR 226.24.

The Director, pursuant to ORS 59.996 hereby **ORDERS** Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store to pay the State of Oregon a civil penalty of $10,00.00. The civil penalty is based upon $5,000 for the violation of OAR 441-860-0025 by using the assumed business name "Access Integrity Mortgage" and $5,000 for the violation of ORS 59.865(2) for engaging in an illegal act by violating 24 CFR 226.24(c)(2)(i) and 24 CFR 226.24(c)(2)(ii).

The Director suspends payment of $5,000 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, Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store 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 Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store 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 $5,000 non-suspended portion of the civil penalty may be paid in minimum monthly installments of $500. The first payment is due no later than July 1, 2003 and payment shall be due thereafter on the first day of each month until the $5,000 non-suspended portion of the civil penalty is paid in full.

The date of this order is the day the Director 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 2ND day of February, 2005.

CORY STREISINGER, DIRECTOR
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

by _____
FLOYD G. LANTER, ADMINISTRATOR
DIVISION OF FINANCE AND CORPORATE SECURITIES

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CONSENT TO ENTRY OF ORDER

I, Nicole Zukas, state that I am the President of Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba ~~America's Mortgage Store,~~ N/a (5) 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 Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store admits the findings of fact herein, voluntarily consents to the entry of this Order without further hearing, expressly waiving any right to a hearing in this matter; that Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store 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 Oregon Mortgage Lender Law; and that Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store will fully comply with Oregon Mortgage Lender Law.

I understand that this Consent Order is a public document.

Dated this 1 day of Oct., 2003

By President
(Office Held)

Nicole M. Zukas
(Signature)

CORPORATE ACKNOWLEDGMENT

There appeared before me this 1 day of October, 2003, Nicole Zukas, who was first duly sworn on oath, and stated that s/he was and is the President of Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company ~~dba America's Mortgage Store~~ and s/he is authorized and empowered to sign this Consent to Entry of Order on behalf of Access Integrity Funding

Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store and to bind Access Integrity Funding Corp. dba 1st Access Integrity Mortgage Company dba America's Mortgage Store to the terms hereof.

Christine Mabray
Signature of Notary Public
Notary Public for the State of: Oregon
My Commission expires: May 1 2006

