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3 **STATE OF OREGON**
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**
6 **ENFORCEMENT SECTION**

7 **BEFORE THE DIRECTOR OF THE DEPARTMENT**
8 **OF CONSUMER AND BUSINESS SERVICES**

9 **In the Matter of**

S-05-0016

10 **KEVIN REBER, an individual, dba**
11 **A1 Buyers,**
12 **Respondent.**

FINAL ORDER TO CEASE AND
DESIST, ASSESSMENT OF CIVIL
PENALTIES AND EXAMINATION
COSTS ENTERED BY DEFAULT

13 On August 15, 2005, the Director of the Department of Consumer and Business
14 Services for the State of Oregon (hereafter "the Director"), acting by and pursuant to the
15 authority of the Oregon Consumer Finance Act, Oregon Revised Statutes ("ORS")
16 Chapter 725, and other applicable authority, issued Administrative Order No. S-05-0016
17 to **CEASE AND DESIST, ASSESSING CIVIL PENALTIES, ASSESSING**
18 **EXAMINATION COSTS AND NOTICE OF RIGHT TO A PUBLIC HEARING** ("the
19 Notice Order") against **KEVIN REBER, dba A1 Buyers** ("Reber" or "the Respondent").

20 On or about August 18, 2005, the Respondent was duly served with a true copy
21 of the Notice Order by United States Mail, postage prepaid, and addressed to the
22 Respondent at the following last known address: 2492 NE Stephens, Roseburg, Oregon
23 97470. The mailing was not returned.

24 The Respondent has not made a written request for a contested case hearing in
25 this matter and time to do so has expired.

26 **NOW THEREFORE**, after consideration of the Investigation Report and
accompanying exhibits submitted in this matter by Charles Donald, Program Manager,
the Director hereby issues the following Findings of Fact, Conclusions of Law, and Final



1 Order.

2 **FINDINGS OF FACT**

3 The Director **FINDS** that:

4 1. Reber is, by information and belief, an Oregon resident doing business in
5 Oregon under the assumed business name "A1 Buyers." By information and belief,
6 Reber is the owner of A1 Buyers, which has principal offices located at 2492 NE
7 Stephens, Roseburg, Oregon 97470. Reber is in business as a consumer or short-term
8 lender.

9 2. Terry George ("George") is, by information and belief, an Oregon resident.
10 By information and belief, George is the manager of A1 Buyers in Roseburg, Oregon
11 and is an agent or employee of Reber.

12 3. On or about June 15, 2004, George made a consumer loan on behalf of
13 Reber in the amount of \$300.00 to Karen Hammack, a Roseburg, Oregon resident. The
14 loan documents did not disclose the Annual Percentage Rate ("APR") for the loan.

15 4. As security for the loan, Hammack signed a vehicle Bill of Sale in blank.
16 At the time the loan was made, Hammack owned a 1993 Ford Explorer. The loan was
17 due on July 15, 2004. Hammack did not repay the loan by the July 15, 2004 deadline.
18 On July 26, 2004, Hammack's Ford Explorer vehicle was repossessed. The vehicle
19 was subsequently sold on July 28, 2004.

20 5. Hammack did not receive written notice from Reber that her vehicle was
21 being repossessed. Hammack did not receive written notification from Reber that he
22 intended to sell her vehicle.

23 6. On August 23, 2004, Larry Sisson ("Sisson"), a Financial Examiner from
24 the Division of Finance and Corporate Securities ("the Division") traveled from the
25 Division offices in Salem, Oregon to the A1 Buyers location in Roseburg. Sisson
26 reviewed the business operations of A1 Buyers and interviewed George who confirmed



1 that the loan to Hammack was made. George told Sisson: "We didn't want the vehicle,
2 we wanted our money back so we could loan it someone else and make more money."
3 Sisson expended a total of five hours (four hours travel time and one hour examination)
4 in investigating and examining the A1 Buyers operation in Roseburg, Oregon.

5 7. At all relevant times herein, Reber was not licensed as a consumer
6 finance or short-term lender by the Director.

7 **CONCLUSIONS OF LAW**

8 The Director **CONCLUDES** that:

9 8. Reber violated ORS 725.045 by making a consumer loan of \$50,000 or
10 less without being licensed by the Director.

11 9. Reber violated ORS 725.050 by taking a note or promise to pay which did
12 not accurately disclose the rate of interest of the loan and by having the client sign a
13 blank "Bill of Sale" document.

14 10. Reber violated OAR 441-730-0275(5) by failing to disclose the Annual
15 Percentage Rate ("APR") on the loan made to Hammack.

16 11. Reber violated OAR 441-730-0275(9) by failing to provide Hammack with
17 written notice before repossessing her motor vehicle.

18 12. Reber violated OAR 441-730-0275(10) by failing to provide Hammack with
19 written notice of intent to sell before selling her motor vehicle.

20 **ORDER**

21 **NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:**

22 13. Pursuant to the authority of ORS 725.400, the Director hereby **ORDERS**
23 Reber to **CEASE AND DESIST** from conducting a consumer finance or short term
24 lending business without a license and from violating any other provisions of the Oregon
25 Consumer Finance Act, ORS Chapter 725, OAR 441-730-0005 through 441-730-0320
26 and any rule, order, or policy issued by the Division.

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- 1 14. Pursuant to the authority of ORS 725.910, the Director hereby assesses
2 Reber **CIVIL PENALTIES** in the amount of \$12,500 (twelve thousand five hundred
3 dollars) for violations of the Oregon Consumer Finance Act as described above in the
4 Conclusions of Law, Paragraphs 8 through 12, and as detailed as follows:
- 5 a. A civil penalty of \$2,500 (two thousand five hundred dollars) for
6 violation of ORS 725.045;
 - 7 b. A civil penalty of \$2,500 (two thousand five hundred dollars) for
8 violation of ORS 725.050;
 - 9 c. A civil penalty of \$2,500 (two thousand five hundred dollars) for
10 violation of OAR 441-730-0275(5);
 - 11 d. A civil penalty of \$2,500 (two thousand five hundred dollars) for
12 violation of OAR 441-730-0275(9); and
 - 13 e. A civil penalty of \$2,500 (two thousand five hundred dollars) for
14 violation of OAR 441-730-0275(10).

15 15. Pursuant to the authority of ORS 725.310, the Director hereby assesses
16 Reber \$300 for reimbursement of the actual costs of the August 23, 2004 investigation
17 and examination of A1 Buyers in Roseburg, Oregon by Financial Examiner Larry
18 Sisson.

19 **IT IS SO ORDERED.**

20 Dated this 16th day of September, 2005 at Salem, Oregon, NUNC PRO
21 TUNC August 15, 2005.

22 CORY STREISINGER, Director
23 Department of Consumer and Business Services

24 
25 _____
26 Floyd Lanter, Administrator
Division of Finance and Corporate Securities

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