

1 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
2 DIVISION OF FINANCE AND CORPORATE SECURITIES
3 ENFORCEMENT SECTION
4 BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES



5 In the Matter of:
6 America One Finance, Inc.,
7 Respondent.

M-06-0017
ORDER TO CEASE AND DESIST
ORDER ASSESSING CIVIL PENALTIES
And
CONSENT TO ENTRY OF ORDER

10 WHEREAS the Director of the Department of Consumer and Business Services
11 for the State of Oregon (hereinafter "the Director") conducted an investigation of
12 America One Finance, Inc. and determined that America One Finance, Inc. engaged in
13 activities constituting violations of ORS 59.840 through 59.965 (hereinafter cited as the
14 Oregon Mortgage Lender Law); and

15 WHEREAS America One Finance, Inc., wishes to resolve and settle this matter
16 with the Director,

17 NOW THEREFORE, as evidenced by the authorized signature subscribed on
18 this order, America One Finance, Inc. hereby CONSENTS to entry of this order upon
19 the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

20 FINDINGS OF FACT

21 The Director FINDS that:

Entered Into LEAR 3-10-06/lps
030906-044-002-001-0500-0000500000

- 22 1. America One Finance, Inc. (hereinafter "Respondent" or "America One"), a
23 foreign corporation authorized to do business in Oregon, engages in residential
24 mortgage transactions in Oregon or on Oregon real property in expectation of
25 compensation. America One's principal place of business is 15110 21st Dr., SE, Mill
26 Creek, Washington 98012. At all times hereto, America One was licensed as residential

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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1 mortgage lender in the State of Oregon. The Oregon mortgage lender license number
2 for America One is ML-2241.

3 2. America One has numerous branch offices, in Oregon and Washington,
4 authorized to do residential mortgage transactions in Oregon.

5 3. Matt Simmons is the president and chief executive for America One. His
6 business address is 15110 21st Dr., SE, Mill Creek, Washington 98012.

7 4. At all times material herein, America One did not have a licensed branch
8 office at 2573 SE 30th Place in Hillsboro, Oregon 97123 (hereinafter "the Hillsboro
9 location") or at 3162 SE Lake Road in Milwaukie, Oregon 97222 (hereinafter "the
10 Milwaukie location").

11 5. At all times material herein, America One has only been licensed to use the
12 name America One Finance, Inc.

13 6. At all times material herein, Aaron Soule was employed as a loan originator
14 for America One.

15 7. Respondent has informed Aaron Soule and its other loan originators that they
16 are not to engage in residential mortgage lending from an unlicensed location or to list
17 an unlicensed location on loan documents.

18 8. Despite the admonition from America One, from December 2004 through
19 February 2005, Aaron Soule caused to be listed or listed the Hillsboro location and the
20 Milwaukie location as branch addresses of America One on documents in connection
21 with an Oregon residential mortgage loan, including but not limited to: an appraisal, a
22 Doc Draw Request, an application for an Oregon residential mortgage loan, a good faith
23 estimate and a Truth in Lending disclosure.

24 9. America One did not provide notification to the Director that it intended to
25 open and operate the Hillsboro location or the Milwaukie location prior to the use of the
26 address on loan documents, nor had it provided the licensing fee or information

1 regarding the branch including the address, telephone number, facsimile number and
2 name of the supervisor of the branch location.

3 10. In connection with the origination of an Oregon residential loan transaction
4 for Respondent, Aaron Soule caused to be used or used the dba of Standard Financial
5 such that a consumer reported that Standard Financial was her mortgage broker.

6 11. America One did not register the dba with the Oregon Secretary of State
7 Corporation Division and add the dba to its bond prior to the use of the dba in
8 connection with the origination of an Oregon residential mortgage loan.

9 12. America One did not approve of Soule's use the dba Standard Financial.

10 **CONCLUSIONS OF LAW**

11 The Director **CONCLUDES** that:

12 1. Respondent violated ORS 59.950(2) by failing to provide notification that
13 Respondent intended to operate the Hillsboro location and the Milwaukie location prior
14 to listing the locations on documents in connection with the origination of an Oregon
15 residential mortgage loan.

16 2. Respondent violated OAR 441-860-0025 by failing to register the dba Standard
17 Financial with the Oregon Secretary of State Corporation Division and add the dba to
18 Respondent's surety bond prior to the use of the dba in connection with the origination
19 of an Oregon residential mortgage loan.

20 **ORDER**

21 The Director, pursuant to ORS 59.885(4) hereby **ORDERS** that Respondent will
22 **CEASE AND DESIST** from violating any provision of Oregon Mortgage Lender Law,
23 OAR 441-850-0005 through 441-885-0010 and any rule, order or policy issued by the
24 Division, specifically including but not limited to operate a branch license prior to
25 providing the notification required by ORS 59.950(2) and OAR 441-860-0030 or using a
26 dba prior to completing the requirements of OAR 441-860-0025.

Division of Finance and Corporate Securities
Labor and Industries Building
330 Winter Street, NE, Suite 410
Salem, OR 97101-3881
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1 The Director, pursuant to ORS 59.996 hereby **ORDERS** Respondent to pay the
2 State of Oregon a civil penalty of \$5,000 for the violation of ORS 59.950(2).

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

6 Dated this 13th day of March, 2006, at Salem, Oregon.

7
8 CORY STREISINGER, Director
9 Department of Consumer and Business Services

10 
11 David Tatman, Acting Administrator
12 Division of Finance and Corporate Securities

13
14 **CORPORATE CONSENT TO ENTRY OF ORDER**

15 I, Matt Simmons, state that I am an officer of Respondent, and I am authorized to
16 act on its behalf; that I have read the foregoing Order and that I know and fully
17 understand the contents hereof; that I and this entity have been advised of the right to a
18 hearing and of the right to be represented by counsel in this matter; that Respondent
19 voluntarily and without any force or duress, consents to the entry of this Order,
20 expressly waiving any right to a hearing in this matter; that Respondent understands
21 that the Director reserves the right to take further actions to enforce this Order or to take
22 appropriate action upon discovery of other violations of the Oregon Mortgage Lender
23 Law; and that Respondent will fully comply with the terms and conditions stated herein.

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



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Respondent understands that this Consent Order is a public document.

Dated this 6th day of March, 2006.

By *Matt Simmons*
Matt Simmons
President
(Office Held)

CORPORATE ACKNOWLEDGMENT

There appeared before me this 6th day of March, 2006, Matt Simmons, who was first duly sworn on oath, and stated that he was and is of Respondent and that he is authorized and empowered to sign this Consent to Entry of Order on behalf of Respondent, and to bind Respondent to the terms hereof.



Marilyn J. Svarre
Notary Public
for the State of: Washington
My commission expires: 7-19-07

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