

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:

M-06-0041

6 Local Point Financial,  
7 Respondent.

FINAL ORDER TO CEASE AND DESIST  
and  
ORDER ASSESSING CIVIL PENALTIES  
BY DEFAULT

8  
9  
10 On March 27, 2007, the Director of the Department of Consumer and Business  
11 Services for the State of Oregon (hereafter the "Director"), acting by and pursuant to the  
12 authority of Oregon Mortgage Lender Law, Chapter 59 of the Oregon Revised Statutes,  
13 and other applicable authority, issued Administrative Order No. M-06-0041 to Cease  
14 And Desist And Assessing Civil Penalties And Notice Of Right To Hearing (hereafter  
15 "the Order") against Local Point Financial (hereinafter "Respondent").

16 On March 28, 2007, Respondent was duly served with a true copy of the Order  
17 by United States Mail, postage prepaid, and addressed to Respondent at the following  
18 last known address: 347 Washington Street, Suite A, Portland, Oregon 97124. The  
19 mailing was returned, marked "No Such Number." In an attempt to provide actual  
20 notice, the Director also simultaneously sent true copies of the Order to Respondent in  
21 care of Daniel Bernal at 1251 Dyer Road in Santa Ana, California 92705, 600 Anton  
22 Boulevard, 11<sup>th</sup> Floor, Costa Mesa, California, 92626, and 3444 Hollow Brook Circle  
23 Unit 111, Costa Mesa, California, 92626. The mail sent to 1251 Dyer Road in Santa,  
24 Ana, California was returned marked "Return to Sender, FWDG Order Expired." The  
25 mail sent to 600 Anton Boulevard, 11<sup>th</sup> Floor in Costa Mesa, California was signed for  
26 on April 2, 2007 by "R. Eve Corraly." The mail sent to 3444 Hollow Brook Circle, Unit

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



1 111, in Costa Mesa, California was returned marked "Attempted, Not Known."

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

4 **NOW THEREFORE**, after consideration of the Investigation Report and  
5 accompanying exhibits submitted in this matter by the Investigator and Enforcement  
6 Officer, the Director hereby issues the following Findings of Fact, Conclusions of Law,  
7 and Final Order:

8  
9 **FINDINGS OF FACT**

10 The Director **FINDS** that:

- 11 1. Local Point Financial (hereinafter "Respondent") has never been licensed as a  
12 mortgage broker or mortgage banker in Oregon to engage in Oregon residential  
13 mortgage loans and is not registered to do business in Oregon or California.
- 14 2. Between at least January 2006 and August 2006, Respondent, using a broadcast  
15 facsimile method, sent solicitations to fund residential mortgage loans to consumers in  
16 several states, including at least two consumers located in Oregon.
- 17 3. One Oregon consumer reported receiving solicitations from Respondent from  
18 2003 through March 2006.
- 19 4. Between January 2006 and August 2006, nine consumers who complained about  
20 receiving the unsolicited facsimile called the telephone number listed on the solicitation.  
21 They were told that Respondent was located in Portland Oregon. At least eight of the  
22 consumers were given the specific address 347 Washington Street, Suite A., in  
23 Portland, Oregon 97124, however that address does not exist and there is no such  
24 business in the vicinity.
- 25 5. An undercover investigator called Respondent seeking a residential mortgage  
26 loan on Oregon property. The Investigator was transferred to Nick Loera, who identified



1 himself as a "Senior Loan Officer." Loera discussed a loan program with a variable  
2 payment option and requested information necessary to obtain a credit report to provide  
3 a specific loan offer tailored to the Investigator. During the telephone call, Loera stated  
4 that he was located in Irvine, California.

## 6 CONCLUSIONS OF LAW

7 The Director **CONCLUDES** that:

8 1. Respondent violated ORS 59.845(1) by engaging in residential mortgage  
9 transactions each of the two times it solicited Oregon residential mortgage loans via  
10 facsimile and telephone.

11 2. Respondent violated ORS 59.930(3) each time of the eight times it provided a  
12 consumer with the false address.

## 14 ORDER

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

16 The Director, pursuant to ORS 59.885(4) hereby **ORDERS** that Respondent will  
17 **CEASE AND DESIST** from violating any provision of Oregon Mortgage Lender Law,  
18 OAR 441-850-0005 through 441-885-0010 and any rule, order or policy issued by the  
19 Division.

20 The Director, pursuant to ORS 59.996 hereby **ORDERS** Respondent to pay the  
21 State of Oregon a civil penalty of \$50,000, based upon \$5,000 for each of the two  
22 violations of ORS 59.845(1) and \$5,000 for each of the eight violations of ORS  
23 59.930(3).

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

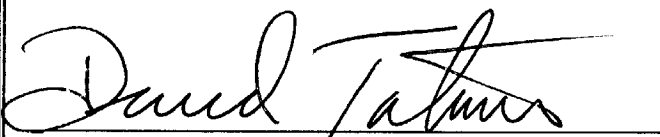


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IT IS SO ORDERED.

Dated this 20<sup>th</sup> day of April, 2007, at Salem, Oregon.

CORY STREISINGER, Director  
Department of Consumer and Business Services



David Tatman, Administrator  
Division of Finance and Corporate Securities

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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