

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

4 In the Matter of:)

M-08-0038

5 The Vicken Group,)

FINAL ORDER TO CEASE AND
DESIST, ASSESSING CIVIL
PENALTIES,
ENTERED BY DEFAULT

6 dba Fidelity Financial Group,)

7)

8 Respondent.)

9)

10 On October 30, 2008 the Director of the Department of Consumer and Business
11 Services (the "Director") acting by the authority of Oregon Revised Statutes ("ORS")
12 Chapter 59.840 et seq. (the "Oregon Mortgage Lender Law"), issued Administrative
13 Order M-08-0037, ORDER TO CEASE AND DESIST, ASSESSING CIVIL PENALTIES
14 AND NOTICE OF RIGHT TO HEARING (the "Proposed Order") against The Vicken
15 Group dba Fidelity Financial Group (the "Respondent").

16 On or about November 3, 2008 Respondent was mailed true copies of the
17 Proposed Order by regular, first-class mail and by certified mail, postage prepaid, return
18 receipt requested, and addressed to: The Vicken Group dba Fidelity Financial Group
19 1010 N Central Ave., Ste. 440, Glendale CA 91202.

20 The Certified mailing was returned but the regular mailing was not returned.
21 Respondent has not advised the Division of Finance and Corporate Securities (the
22 "Division") of any change in its address or cessation of business at any of its offices, as
23 required by Oregon Administrative Rule ("OAR") 441-860-0070.

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

26 NOW THEREFORE, after consideration of the Division's investigative file and

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350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387



1 related documents, the Director hereby issues the following Findings of Fact,
2 Conclusions of Law, and Final Order.

3 FINDINGS OF FACT

4 The Director **FINDS** that:

5 1. Respondent is a California corporation formed on January 3, 2000. Respondent
6 is a California mortgage broker licensed with the California Department of Real Estate.

7 2. At all times relevant herein, Respondent did not have a license to engage in
8 Oregon residential mortgage transactions.

9 3. On June 5, 2008 the Division of Finance and Corporate Securities (the "Division")
10 received a complaint filed by Applegate Appraisal Services ("Applegate") alleging that
11 loan originator Jeff Freeman, on behalf of Respondent, ordered a full residential
12 appraisal on property located in Roseburg, Oregon in January 2007 for a specific
13 borrower identified in the appraisal order. The appraisal was performed, Respondent
14 refused to pay, and as of September 9, 2008 has not paid.

15 4. Ordering or arranging for an independent appraisal of subject property in aid of
16 securing an approved mortgage loan is typically part of loan- originating and loan-
17 brokering activity.

18 5. On June 6, 2008 Manager of the Division's Mortgage Lending Section, Kirsten
19 Anderson ("Anderson") sent a letter to Respondent at 1875 Century Park East, Suite
20 700, Century City, CA 90067. The letter was returned indicating that the forwarding
21 address was 1010 N. Central Ave., Suite 440, Glendale, CA 91202. On June 19, 2008
22 Anderson sent a letter to this address stating that a Complaint had been filed against
23 Respondent, directing that they cease and desist from transacting in residential
24 mortgages in Oregon without a license, and requesting that Respondent provide a list of
25 all applications taken for Oregon residential mortgage transactions. The Division has
26 not received a response.

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1 6. Division Examiner Mindy Landing ("Landing") placed a phone call to Respondent
2 at phone number (818) 240-3400 on August 21, 2008 regarding unlicensed activity and
3 the unpaid appraisal and left a voicemail message. The phone call was not returned.

4 **CONCLUSIONS OF LAW**

5 The Director **CONCLUDES** that:

6 1. By engaging in or attempting to engage in Oregon residential mortgage
7 transactions without a license, when Respondent ordered a full residential appraisal on
8 a property in order to obtain an Oregon residential mortgage loan, Respondent, by and
9 through loan originator Jeff Freeman, violated ORS 59.845(1) and (2), and ORS
10 59.885(4).

11 2. By engaging in the unfair and unethical practice of ordering an appraisal for
12 which they refused to pay, Respondent violated ORS 59.930.

13 **ORDER**

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

15 The Director, pursuant to ORS 59.885(4) hereby **ORDERS** that Respondent,
16 including any assignees or successor business(es) or corporation(s), will **CEASE AND**
17 **DESIST** from violating any provision of Oregon Mortgage Lender Law, OAR 441-850-
18 0005 through 441-885-0010 and any rule, order or policy issued by the Division,
19 specifically including but not limited to engaging in Oregon residential mortgage
20 transactions without a license as prohibited by ORS 59.845(1); **AND**

21 The Director, pursuant to ORS 59.996, hereby **ORDERS** Respondent to pay the
22 State of Oregon a civil penalty of **\$5,000** for violating ORS 59.845(1) and (2), ORS
23 59.885(4) and ORS 59.930.

24 The date of this Order is the day the Director or the 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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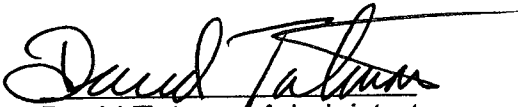


1 Dated this 25th day of November, 2008, at Salem, Oregon.

2 NUNC PRO TUNC October 30, 2008.

3

4 CORY STREISINGER, Director
5 Department of Consumer and Business Services

6 
7 David Tatman, Administrator
8 Division of Finance and Corporate Securities

9 NOTICE OF APPEAL RIGHTS

10 You are entitled to seek judicial review of this Final Order. Judicial review may be
11 obtained by filing a petition for review with the Oregon Court of Appeals in Salem,
12 Oregon within sixty (60) days from the date of service of this Final Order. Judicial
13 review is pursuant to the provisions of **ORS 183.482**.

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