

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-09-0070**
5)
6 **ALL STAR LENDING, INC.**) **FINAL ORDER**
7 **AND**) **TO CEASE AND DESIST,**
8 **DOUG BOWERS,**) **ASSESSING CIVIL PENALTIES,**
9 **Respondents.**) **ENTERED BY DEFAULT**

10
11 On February 1, 2010 the Director of the Department of Consumer and Business
12 Services (the "Director") acting by the authority of Oregon Revised Statutes ("ORS")
13 86A.095 et seq. (the "Oregon Mortgage Lender Law") [formerly numbered ORS 59.840
14 to 59.980, changed effective January 1, 2010], issued Administrative Order M-09-0070,
15 ORDER TO CEASE AND DESIST, ASSESSING CIVIL PENALTIES AND NOTICE OF
16 RIGHT TO HEARING (the "Proposed Order") against All Star Lending Inc. ("All Star"),
17 and Doug Bowers ("Bowers") (together, "Respondents").

18 On or about February 3, 2010 Respondents were mailed true copies of the
19 Proposed Order by regular, first-class mail and by certified mail, postage prepaid, return
20 receipt requested, and addressed to: All Star Lending Inc and Doug Bowers, P.O. Box
21 1045, KAPAA, HI 96746 *and* All Star Lending Inc. and Doug Bowers 4-971 Kuhio HWY,
22 KAPAA HI 96746. None of the mailings were returned. The certified return receipt for
23 the mailing to the Kuhio Hwy address was signed and returned to the Division. On or
24 about February 8, 2010 Bowers called and spoke to a Division employee and
25 acknowledged receipt of the Proposed Order in that conversation.

26 //

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

3 NOW THEREFORE, after consideration of the Division's investigative file and
4 related documents, the Director hereby issues the following Findings of Fact,
5 Conclusions of Law, and Final Order.

6 **FINDINGS OF FACT**

7 The Director **FINDS** that:

8 1. All Star is a Hawaii Domestic Profit Corporation authorized by that State to
9 conduct business in that state with a mailing address of P.O. Box 1045, KAPAA, HI
10 96746. The Hawaii Secretary of State's website lists their agent's name and address for
11 purposes of service as Douglas Bowers 4-971 KUHIO HWY, KAPAA, Hawaii 96746.

12 2. On or about February 20, 2009 the Division of Finance and Corporate Securities
13 (the "Division") received a complaint from an Oregon consumer stating that he had
14 received an email from All Star implying that All Star was already working with the
15 consumer to obtain a residential loan mortgage. The consumer provided a copy of the
16 email to the Division, which showed that it had been sent directly from All Star and
17 Bowers to the consumer. The consumer was not an insurance or mortgage company,
18 and was not an employee of a mortgage or insurance company. The email contained the
19 electronic signature of Bowers and used language consistent with the application
20 process typically undertaken in engaging in residential mortgage transactions.

21 3. At no relevant time herein were All Star or Bowers licensed to conduct residential
22 mortgage transactions in the State of Oregon.

23 4. On or about February 24, 2009 a Division employee sent a letter to All Star,
24 addressed to Bower's attention, inquiring about the solicitation.

25 5. On or about March 4, 2009 Respondents responded to a Division employee,
26 stating that "a automatically generated letter indicating loan approval was inadvertently

1 sent to an Oregon insurance company in turn the insurance company forwarded this to
2 a local mortgage company to inquire if they had sent it. The mortgage company replied
3 to my email with the said accusation, I promptly responded to them by apologizing for
4 the mistake. I have never and do not plan on soliciting in the state of Oregon.”

6 **CONCLUSIONS OF LAW**

7 The Director **CONCLUDES** that:

8 1. By attempting to engage in Oregon residential mortgage transactions without a
9 license when Respondents directly solicited an application for an Oregon residential
10 mortgage loan, Respondents violated ORS 86A.103 (1) and (2) [formerly numbered ORS
11 59.845 (1) and (2)].

12 2. Respondents violated ORS 86A.154 (4) [formerly numbered ORS 59.930 (4)] by
13 making or filing, or causing to be made or filed, to or with the Director of the
14 Department of Consumer and Business Services any statement, report or document
15 which is known to be false in any material respect or matter, when they asserted the
16 email sent to an Oregon consumer was automatically generated to an insurance
17 company and forwarded to a mortgage company.

18 **ORDER**

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

20 The Director, pursuant to ORS 86A.127 (4) [formerly numbered ORS 59.885 (4)]
21 hereby **ORDERS** that Respondents, including any assignees or successor business(es)
22 or corporation(s), will **CEASE AND DESIST** from violating any provision of Oregon
23 Mortgage Lender Law, OAR 441-850-0005 through 441-885-0010 and any rule, order
24 or policy issued by the Division, specifically including but not limited to engaging in
25 Oregon residential mortgage transactions without a license as prohibited by ORS
26 86A.103 (1) [formerly numbered ORS 59.845 (1)]; **AND**

1 The Director, pursuant to ORS 86A.992 [formerly numbered ORS 59.996], hereby
2 **ORDERS** Respondents to pay the State of Oregon a civil penalty of **\$5500**, based on
3 **\$500** for violating ORS 86A.103 (1) and (2) [formerly numbered ORS 59.845 (1) and
4 (2)], and **\$5000** for violating ORS 86A.154 (4) [formerly numbered ORS 59.930 (4)].
5 Respondents are jointly and severally liable for the assessed civil penalty.

6 The date of this Order is the day the Director or Director's nominee signs the Order.
7 The entry of this Order does not affect or limit in any manner the Director's ability to
8 invoke further remedies, specifically including but not limited to assessing civil penalties
9 or denying, suspending, conditioning or revoking a license, which may be available to
10 the Director under Oregon law based upon the violation(s) noted in this Order or any
11 other violation.

12 Dated this 3rd day of March, 2010, at Salem, Oregon.

13 NUNC PRO TUNC February 1, 2010.

14
15 CORY STREISINGER, Director
16 Department of Consumer and Business Services

17 /s/ **David Tatman**
18 David Tatman, Administrator
19 Division of Finance and Corporate Securities

20 **NOTICE OF APPEAL RIGHTS**

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

25 //

26 //