**STATE OF OREGON**
**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
**DIVISION OF FINANCE AND CORPORATE SECURITIES**

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

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| **In the Matter of:**<br><br>**Ascent Home Loans, Inc.**<br><br>**Respondent.** | **M-09-0007**<br><br>**ORDER TO CEASE AND DESIST, ORDER ASSESSING CIVIL PENALTIES AND CONSENT TO ENTRY OF ORDER** |

**WHEREAS** the Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter "the Director") conducted an investigation of Ascent Home Loans, Inc. and determined that Ascent Home Loans, Inc. engaged in activities constituting violations of 86A.100 et seq, previously 59.840 et. seq, (hereinafter cited as the "Oregon Mortgage Lender Law"); and

**WHEREAS** Ascent Home Loans, Inc. wishes to resolve and settle this matter with the Director,

**NOW THEREFORE**, as evidenced by the authorized signature subscribed on this order, Ascent Home Loans, Inc. hereby **CONSENTS** to entry of this order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

## FINDINGS OF FACT

The Director **FINDS** that:

1. Ascent Home Loans, Inc. (hereinafter "Ascent") is a Colorado foreign business corporation first registered with the Oregon Secretary of State on December 2, 2005. Principal offices for Ascent are located at 9780 Pyramid Court, Suite 150 Englewood, Colorado 80112.

2. Ascent first obtained a license to engage in Oregon residential mortgage transactions on January 24, 2006.

3. On January 22, 2009, Ascent requested to surrender its Oregon mortgage broker license,

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and the Division accepted the surrender.

4. Ascent operated two licensed Oregon branch offices located at 33374 Scappoose Vernonia Road, Scappoose, Oregon 97056 and 3551 Edgewood Drive, North Bend, Oregon 97459.

5. Jason Dozois (hereinafter "Dozois") was listed as the experienced person, control person, secretary, and an owner of Ascent.

6. By letter dated October 22, 2007, the Oregon Department of Justice referred an inquiry to the Division with an advertisement listing Scott Cooper and Lisa Cooper as contacts for Ascent in Oregon.

7. Included with the referral letter was a copy of an advertisement listing from the Nickel Ads dated April 5, 2007 for Ascent Home Loans stating "The Best Mortgage Experience, Purchase or Refinance, Bankruptcy Okay, Low Closing Costs, Free Mortgage Evaluations." The ad listed Scott Cooper (541) 273-**** and Lisa Cooper (541) 273-****.

8. Neither Scott nor Lisa Cooper has ever been listed with the Division as a loan originator for Ascent.

9. By letter dated October 29, 2007, a Division examiner requested information from Ascent regarding the affiliation, association or cooperation between Scott Cooper and Lisa Cooper and Ascent.

10. The examiner warned that failure to notify the Division of the hire or termination of a loan originator within 30 days was a violation of the Oregon Mortgage Lender Law. The Division did not receive a response to the examiner's inquiry.

11. On or about November 16, 2007, the former Mortgage Lending Section Manager received another inquiry regarding Ascent and Scott Cooper and Lisa Cooper.

12. The inquirer stated that, while attending a Chamber of Commerce meeting in Klamath Falls, he was approached by individuals identifying themselves as Scott and Lisa Cooper apparently working for Ascent Home Loans. The inquirer wanted to know if these individuals were properly listed with the Division.

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13. As of December 17, 2007, Ascent Home Loans was listed under the "Mortgage Loans" category on the Klamath County Chamber of Commerce website. Additional information in the listing included contact information 2217 Kimberly Drive, Klamath Falls, Oregon, 97603, phone (541) 273-***, fax (541) 273-***, web: http://www.ascenthomeloans.com/cooper.

14. The phone number listed on the Klamath County Chamber of Commerce website matched that of Scott Cooper appearing in the Nickel advertisement.

15. By letter dated February 4, 2008, the Division sent a second request for information regarding the affiliation between Ascent and Scott Cooper and Lisa Cooper. The letter included a request for a list of all Oregon residential transactions that were currently in progress, or had been originated by Scott Cooper or Lisa Cooper.

16. Ascent provided a list of all loans Lisa Cooper had any involvement with to the Division.

17. The list is comprised of eleven loans, all to Klamath County borrowers. The list is divided into three sections.

18. The first section includes a loan where Lisa Cooper pulled credit for the loan and was listed as the loan officer. This loan funded.

19. The second section includes six loans Lisa Cooper started and the files were subsequently transferred to a registered loan officer working from the Ascent corporate office in Colorado. All of these loans funded.

20. The third section includes four loan files that were cancelled due to the work performed by Lisa Cooper.

21. Dozois responded to the inquiry and stated that he had never heard of Scott Cooper, and Scott Cooper was not, and had never been, an employee of Ascent. Dozois said that Lisa Cooper was an employee of Ascent in a clerical position, but was not a loan originator. "For the most part she [Lisa Cooper] was required to turn over any files she originated to a registered loan officer to complete. She did have one file, as I mentioned, where she went out side (sic) of our

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company to pull credit and start the file...Judging by the date of the file I am guessing that she realized that we were not allowing her to close her previous files and decided to go around us."

22. Dozois reported that Lisa Cooper was terminated after this unauthorized work was discovered.

## CONCLUSIONS OF LAW

The Director **CONCLUDES** that:

1. By pulling credit for one mortgage loan transaction where she was listed as the loan originator, and by starting and doing substantive non-clerical work on ten other mortgage loan transactions, Lisa Cooper engaged in loan origination under ORS 86A.100(4), previously ORS 59.840(4).

2. By failing to list Lisa Cooper as a loan originator with the Division, Ascent violated ORS 86A.179(1) previously ORS 59.969(1).

3. Ascent failed to supervise diligently and control the mortgage-related activities of Ascent employee Lisa Cooper, in violation of ORS 86A.115(15), previously ORS 59.865(15).

## ORDER

The Director, pursuant to ORS 86A.127(4), previously ORS 59.885(4), hereby **ORDERS** that Ascent will **CEASE AND DESIST** from violating any provision of the Oregon Mortgage Lender Law, and any rules, order or policy issued by the Division.

The Director, pursuant to ORS 86A.124, previously ORS 59.880, **ORDERS** that Ascent will pay $1,000 in full by February 28, 2011 for costs associated with the examination of this case. In addition, Ascent Home Loans, Inc. will not apply for an Oregon mortgage broker's license for five years from the date of this order.

The Director, pursuant to ORS 86A.992, previously ORS 59.996(2), hereby **ORDERS** Ascent Home Loans, Inc. to pay the State of Oregon a civil penalty of $2,500 based upon the violation of ORS 86A.179(1), previously ORS 59.969(1), (failure to list a loan originator) and the violation of 86A.115(15), previously ORS 59.865(15) (failure to supervise). The Director

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suspends payment of the $2,500 civil penalty for five years. If Ascent does not violate the Oregon Mortgage Lender Law, or any rule, order or policy issued by the Director, the terms of this order, and will not apply for re-application for an Oregon mortgage broker license for five years, in five years from the date of the order, the suspended civil penalty is waived.

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

Dated this 2 day of March 2011 at Salem, Oregon.

Scott L. Harra, Acting Director

Department of Consumer and Business Services

**/s/ David C. Tatman**

David C. Tatman, Administrator

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## CORPORATE CONSENT TO ENTRY OF ORDER

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

Respondent further assures the Director that neither Ascent Home Loans, Inc., nor its officers, directors, employees or agents will effect mortgage transactions in Oregon unless such activities are in full compliance with the Oregon Mortgage Lender Law.

Ascent Home Loans, Inc. understands that this Consent Order is a public document.

Dated this 25 day of February 2011

By /s/ Jason Dozois

Jason Dozois

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Office Held

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**ENTITY ACKNOWLEDGMENT**

There appeared before me this 25 day of February 2011 who was first duly sworn on oath, and stated that he was and is an officer 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.

Ursula Baca

Notary Public for the State of Colorado

My commission expires: 9/25/2012

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