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

In the Matter of: Russell Roger Henry NMLS # 362697 Respondent.	M-15-0121 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 Russell Roger Henry (hereinafter "Henry") and determined that Henry engaged in an activity that constitutes a violation of 86A.100 et seq. and OAR 441-850-0005 through 441-885-0010 (hereinafter collectively cited as the "Oregon Mortgage Lender Law"); and

WHEREAS Henry wishes to resolve and settle this matter with the Director,

NOW THEREFORE, as evidenced by the authorized signature subscribed on this order, Henry 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. Henry is an Oregon sole proprietorship operating with the assumed business name Home Finance.

2. Henry, NMLS #362697, obtained an Oregon mortgage broker/banker license from the Division of Finance and Corporate Securities (hereinafter the "Division") on February 12, 2015.

3. Henry's principal place of business is located at 103 182nd Street SW, Bothell,

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

Washington 98012.

4. In 2011 the Nationwide Mortgage Licensing System (hereinafter "NMLS") released the mortgage call report (hereinafter "MCR") functionality. The MCR includes a licensed mortgage broker or banker's Residential Mortgage Loan Activity (hereinafter "RMLA") that is compiled and submitted by the company to NMLS on a quarterly basis, and for standard filers like Henry, a financial condition report must be filed annually 90 days after the end of the company's fiscal year.

5. The quarterly reports are due 45 days following the end of each quarter such that the 2015 second quarter (hereinafter "Q2") MCR was due on August 14, 2015.

6. Henry employed at least one licensed loan originator during the 2015 Q2.

7. Since Henry had not filed the 2015 Q2 MCR with Oregon RMLA, on July 27, 2015, the Division sent an email to Henry's email address of record notifying of the filing deadline. The email was sent to homefinance@centurytel.net which has been the email address of record for Henry at all times relevant to this order.

8. Since Henry had not filed the 2015 Q2 MCR, on August 15, 2015, NMLS automatically placed a deficiency on Henry's license notifying of the obligation to file the 2015 Q2 MCR with Oregon RMLA.

9. On August 17, 2015, the Division sent an email to Henry's address of record notifying that it must file the 2015 Q2 MCR and if it did not do so by September 17, 2015, the company would be fined $5,000.

10. Also on August 17, 2015, the Division sent a letter to Henry's principal place of business notifying that the report had to be filed by September 17, 2015 or a fine would be assessed.

11. On October 9, 2015 Henry filed the 2015 Q2 MCR including RMLA for Oregon in NMLS.

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CONCLUSIONS OF LAW

The Director CONCLUDES that:

1. By failing to file the 2015 Q2 MCR including RMLA for Oregon in NMLS by August 14, 2015, Henry violated ORS 86A.239(2) and OAR 441-865-0025.

ORDERS

NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

The Director, pursuant to ORS 86A.127, hereby ORDERS Henry to Cease and Desist from violating Oregon's Mortgage Lender Law.

The Director, pursuant to ORS 86A.992, may assess civil penalties of up to $5,000 per violation of the Oregon Mortgage Lender Law. Pursuant to these provisions, the Director orders Henry to pay a civil penalty of $1,000 for the violation of ORS 86A.239(2) and OAR 441-865-0025.

Payments of $100 are due on the 3rd day of the month until the complete balance is paid. The first payment and the signed consent order are due on by the close of business on November 3, 2015. If Henry fails to comply with the payment schedule, is late with a scheduled payment, or does not make a scheduled payment, then the entire unpaid portion of the civil penalty will become immediately due and payable.

Dated this 2nd day of November, 2015.

PATRICK M. ALLEN, Director
Department of Consumer and Business Services

/s/ David Tatman
David C. Tatman, Administrator
Division of Finance and Corporate Securities

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ENTITY CONSENT TO ENTRY OF ORDER

I, Russ Henry, state that I am an officer of Henry, and I am authorized to act on its behalf. I have read the foregoing order and that I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. Henry voluntarily and without any force or duress consents to the entry of this order expressly waiving any right to a hearing in this matter. Henry 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. Henry will fully comply with the terms and conditions stated herein.

Henry further assures the Director that neither Henry, 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. Henry understands that this Consent Order is a public document.

Dated this 27th day of October, 2015.

By Russell Roger Henry

/s/ Russell Roger Henry
Office Held

ENTITY ACKNOWLEDGMENT

There appeared before me this 27th day of October 2015,

Russ Henry, who was first duly sworn on oath, and stated that (s)he was and is an officer of Henry and that (s)he is authorized and empowered to sign this Consent to Entry of Order on behalf of Henry and to bind Henry to the terms hereof.

/s/ Christopher Chico

Notary Public for the State of: Washington
My commission expires: 7/16/2018

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