STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION
MORTGAGE LENDING SECTION

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF CONSUMER AND BUSINESS SERVICES

In the Matter of: Avex Funding Corporation NMLS# 330511 Respondent	M-15-0115 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 Avex Funding Corporation (hereinafter "AFC") and determined that AFC engaged in an activities that constitute violations of ORS 86A.100 et seq. and OAR 441-850-0005 through 441-885-0010 (hereinafter collectively cited as the "Oregon Mortgage Lender Law"); and

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

NOW THEREFORE, as evidenced by the authorized signature subscribed on this order, AFC 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. AFC is a California corporation with a current principal place of business located at 459 Broadway, 5th Floor, New York, NY 10013.

2. AFC received a mortgage banker/broker license from the Oregon Division of Finance and Corporate Securities (hereinafter "Division") on July 1, 2014, NMLS# 330511.

3. On May 22, 2015, the Division began an examination of AFC's books and records.

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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4. On May 28, 2015, the Division sent the examination report detailing the deficiencies to AFC's then principal place of business with a request to provide a written response to the deficiencies noted within two weeks of receipt of the report, as well as an invoice for examination fees.

5. On June 22, 2015, the Division received AFC's payment for the examination fees but no response to the exam report.

6. On July 7, 2015, the Division sent an email to AFC reminding that the response to the exam report was due and attached another copy of the exam report and extended the response deadline to July 21, 2015.

7. The email was sent to badru@avexfunding.com, which has been the email address of record for AFC at all times relevant to this order.

8. On August 11, 2015, the Division sent a letter to AFC's principal place of business with another copy of the exam report noting that the response was due and failure to respond by September 11, 2015 would result in enforcement action and a civil penalty.

9. In October 2015, there was a change in ownership at AFC.

10. On August 8, 2016, AFC submitted an acceptable written response to the exam report.

11. Eight hours of Division enforcement time spent preparing this case following the issuance of the examination report subjects AFC to $75 an hour examination expenses under ORS 86A.124 and OAR 441-860-0110(2).

CONCLUSIONS OF LAW

The Director CONCLUDES that:

1. By failing to produce a written response to the examination report by September 11, 2015 after several requests to do so, AFC violated ORS 86A.112(2).

ORDER

NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

The Director, pursuant to ORS 86A.127, hereby orders AFC to Cease and Desist from violating the Oregon Mortgage Lender Law.

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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 hereby orders AFC to pay a civil penalty of $1,000 for the violation of ORS 86A.112(2).

Pursuant to OAR 441-860-0110(2), AFC must pay $600 in additional examination expenses ($75.00 x 8) for the 8 hours of Division time spent preparing this case.

The entry of this Order in no way limits further remedies which may be available to the Director under Oregon law, including for the violations noted in the Conclusions of Law section above.

Dated this 7th day of November, 2016.

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, Jerome Selitto , state that I am an officer of AFC, 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. AFC voluntarily and without any force or duress consents to the entry of this order expressly waiving any right to a hearing in this matter. AFC 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. AFC will fully comply with the terms and conditions stated herein.

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

Dated this 31st day of October, 2016.

By /s/ Jerome Selitto

President

Office Held

ENTITY ACKNOWLEDGMENT

There appeared before me this 31st day of October 2016, Jerome Selitto, who was first duly sworn on oath, and stated that (s)he was and is an officer of AFC and that (s)he is authorized and empowered to sign this Consent to Entry of Order on behalf of AFC and to bind AFC to the terms hereof.

/s/ Sara Zinab Siddiq

Notary Public for the State of: New York

My commission expires: 10/27/18

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