

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2  
3 In the Matter of the Mortgage Broker License of:

No. 09F-BD003-BNK

4 **SHALYNN K. LOAR dba OAK HARBOR**  
5 **FINANCIAL AND SHALYNN K. LOAR,**  
6 **OWNER**

2152 S. Vineyard., Ste. 117  
Mesa, AZ 85210

**CONSENT ORDER**

7 Respondents.

8  
9 On August 4, 2008, the Arizona Department of Financial Institutions (the "Department")  
10 issued an Order of Summary Suspension and Notice of Hearing to Revoke, alleging that  
11 Shalynn K. Loar dba Oak Harbor Financial and Shalynn K. Loar (collectively "Respondents")  
12 had violated Arizona law. Wishing to resolve this matter in lieu of an administrative hearing,  
13 Respondents admit to the following Findings of Fact and Conclusions of Law, and consent to  
14 the entry of the following Order.

15 **FINDINGS OF FACT**

- 16 1. Shalynn K. Loar dba Oak Harbor Financial ("Oak Harbor Financial") is an Arizona Sole  
17 Proprietorship authorized to transact business in Arizona as a mortgage broker, license  
18 number MB 0905633, within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of Oak  
19 Harbor Financial's business is that of making, negotiating, or offering to make or negotiate  
20 loans secured by Arizona real property, within the meaning of A.R.S. § 6-901(6).  
21 2. Respondent Shalynn K. Loar ("Mr. Loar") is the owner of Oak Harbor Financial. Mr. Loar is  
22 authorized to transact business in Arizona as a mortgage broker within the meaning of A.R.S.  
23 § 6-903(E).  
24 3. Before conducting business as a mortgage broker, Oak Harbor Financial is required to have a  
25 surety bond, deposited with the Superintendent, pursuant to A.R.S. § 6-903(G), in the  
26 required amount, pursuant to A.R.S. § 6-903(H).

- 1 4. On or about April 8, 2008 and April 11, 2008, the Department received a Notice of  
2 Cancellation from RLI Insurance Company, stating that Oak Harbor Financial's surety bond,  
3 number RSB4031446, in the amount of fifteen thousand dollars (\$15,000.00) would be  
4 cancelled thirty (30) days after the receipt of the Notice by the Department (effective May 8,  
5 2008).
- 6 5. On or about April 8, 2008, the Department attempted to send Mr. Loar a letter notifying him  
7 that a lapse in bond coverage is a serious violation and that outlined the steps necessary to  
8 maintain Oak Harbor Financial's mortgage broker's license in good standing. The letter was  
9 sent certified, article number 7001 1140 0000 3473 6328 to Mr. Loar's address of record  
10 with the Department. The certified letter was returned to the Department on April 16, 2008  
11 marked "return to sender."
- 12 6. On or about April 17, 2008, the Department successfully faxed Mr. Loar a copy of the same  
13 letter notifying him that a lapse in bond coverage is a serious violation and outlining the steps  
14 to maintain the mortgage broker license in good standing to his facsimile number of record  
15 with the Department.
- 16 7. Mr. Loar failed to respond to the Department's facsimile and failed to obtain the required  
17 surety bond.
- 18 8. Oak Harbor does not have the required surety bond in order to conduct business as a  
19 mortgage broker.
- 20 9. The conduct described above constitutes an immediate threat to the public health, safety, and  
21 welfare warranting immediate suspension of Respondents' mortgage broker license because  
22 Respondents are conducting business in Arizona as a licensed mortgage broker without the  
23 required surety bond.
- 24

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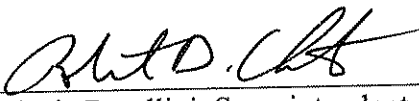
1 **CONCLUSIONS OF LAW**

- 2 1. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and duty to  
3 regulate all persons engaged in the mortgage broker business and with the enforcement of  
4 statutes, rules, and regulations relating to mortgage brokers.
- 5 2. By the conduct set forth above in the Complaint, Respondents violated A.R.S. § 6-903(G) by  
6 failing to maintain the required surety bond.
- 7 3. Respondents have not conducted business in accordance with the law and violated Title 6,  
8 Chapter 9 and the rules relating to this chapter, which are grounds for the suspension or  
9 revocation of Respondents' license pursuant to A.R.S. § 6-905(A)(3).
- 10 4. The violations, set forth above, constitute grounds for the pursuit of any other remedy  
11 necessary or proper for the enforcement of statutes and rules regulating mortgage brokers in  
12 Arizona pursuant to A.R.S. §§ 6-123 and 6-131.
- 13 5. Pursuant to A.R.S. § 6-132, Respondents' violations of the aforementioned statutes are  
14 grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each  
15 violation for each day.

16 **ORDER**

- 17 1. Mortgage Broker License, No. MB 0905633, issued in the name of Shalynn K. Loar dba  
18 Oak Harbor Financial, is hereby immediately revoked and shall immediately be surrendered  
19 to the Department upon execution of this Consent Order.
- 20 2. The provisions of this Order shall be binding upon Shalynn K. Loar dba Oak Harbor  
21 Financial and Shalynn K. Loar, and their employees, agents, and other persons participating  
22 in the conduct of the affairs of Shalynn K. Loar dba Oak Harbor Financial.

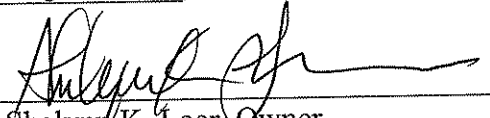
23 SO ORDERED this 17 day of September, 2008.

24 By:   
25 Felecia Rotellini, Superintendent of Financial Institutions  
26 By Robert D. Charlton, Assistant Superintendent of Financial  
Institutions

**CONSENT TO ENTRY OF ORDER**

1. Respondents acknowledges that it has been served with a copy of the foregoing Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, has read the same, is aware of its right to an administrative hearing in this matter, and has waived the same.
2. Respondents admit the jurisdiction of the Superintendent and consent to the entry of the foregoing Findings of Fact, Conclusions of Law, and Order.
3. Respondents state that no promise of any kind or nature has been made to induce it to consent to the entry of this Order, and that it has done so voluntarily.
4. Respondents agree to cease from engaging in the violative conduct set forth above in the Findings of Fact and Conclusions of Law.
5. Respondents acknowledge that the acceptance of this Agreement by the Superintendent is solely to settle this matter and does not preclude this Department, any other agency or officer of this state or subdivision thereof from instituting other proceedings as may be appropriate now or in the future.
6. Shalynn K. Loar, on behalf of Shalynn K. Loar dba Oak Harbor Financial and himself represents that he is the Owner, and that, as such, has been authorized by Shalynn K. Loar dba Oak Harbor Financial to consent to the entry of this Order on its behalf.
7. Respondents waive all rights to seek judicial review or otherwise to challenge or contest the validity of this Order.

DATED this 18 day of SEPTEMBER, 2008.

By   
Shalynn K. Loar, Owner  
Shalynn K. Loar dba Oak Harbor Financial and  
Individually

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...

1 ORIGINAL of the foregoing filed this 18<sup>th</sup>  
2 day of September, 2008, in the office of:

3 Felecia Rotellini  
4 Superintendent of Financial Institutions  
5 Arizona Department of Financial Institutions  
6 ATTN: Susan Longo  
7 2310 N. 44<sup>th</sup> Street, Suite 310  
8 Phoenix, Arizona 85018  
9 COPY mailed/delivered same date to:

10 Robert D. Charlton, Assistant Superintendent  
11 Richard Fergus, Division Manager Licensing  
12 Arizona Department of Financial Institutions  
13 2910 N. 44<sup>th</sup> Street, Suite 310  
14 Phoenix, Arizona 85018

15 Kelly LaPrade, Assistant Attorney General  
16 Arizona Office of the Attorney General  
17 1275 W. Washington St.  
18 Phoenix, AZ 85007  
19 Attorneys for the Department of Financial  
20 Institutions

21 AND COPY MAILED SAME DATE, by  
22 Certified Mail, Return Receipt Requested to:

23 Shalynn K. Loar dba Oak Harbor Financial  
24 ATTN: Shalynn K. Loar, Owner  
25 3724 S. Coach House  
26 Gilbert, AZ 85297

By: Susan Longo