

STATE OF ALASKA  
 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
 DIVISION OF BANKING AND SECURITIES

In the matter of: )  
 )  
 GENEVA ROTH VENTURES, INC., )  
 GENEVA ROTH CAPITAL, INC., )  
 OAKMONT FUNDING, INC., MARK )  
 E. CURRY, LOANPOINTUSA, and )  
 LOANPOINTUSA.COM, )  
 Respondents. )

CONSENT ORDER

Order No.: 11-805-03-B

IT IS HEREBY AGREED by the Department of Commerce, Community, and Economic Development, Division of Banking and Securities (“Department”), and Respondents, and ORDERED by the Department, as follows:

**AGREEMENT AND ORDER**

The Department and Respondents have agreed to resolve the matters alleged in the Amended Notice of Intent to Issue a Cease and Desist Order Requiring Document Production and Imposing Civil Penalties and Notice of Right to a Hearing (Charging Document), issued July 1, 2011, as amended April 27, 2012 (copy attached). Pursuant to AS 06.50 and AS 06.01, Respondents agree to the Department’s entry of this Consent Order and further agree that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order.

Based upon the foregoing:

1. **Jurisdiction.** Respondents only consent to the jurisdiction of the Department to enter this Consent Order, as well as the jurisdiction of the Department and Alaska state courts to the extent required for the Department to enforce all terms contained in this Consent Order, including but not limited to this provision. The limited consent provided herein may not be

construed as a waiver or consent to jurisdiction for any other purpose as to the Respondents.

2. **Waiver of Hearing.** Respondents have been informed of the right to a hearing conducted by the Office of Administrative Hearings before an administrative law judge. Respondents waive their right to a hearing and all administrative and judicial review of this Consent Order and the issues raised in this matter.

3. **No Admission of Liability.** This Consent Order fully resolves the issues raised in the Charging Document. Respondents neither admit nor deny the allegations contained in the Charging Document.

4. **Agreement to Not Conduct Business with Alaska Residents.** Respondents agree not to engage in the business of making or offering to make loans in Alaska without having a license under AS 06.50 and to cease and desist from issuing advances that may violate any provision of AS 06.50.

5. **Refunds to Alaskan Borrowers.** Within 30 days of the execution date of this Consent Order, Respondents agree to pay \$200.00 to each of 495 Alaskan borrowers who paid more than the principal of their original loan. Within 90 days of the execution date of this Consent Order, respondents shall provide the Department of Revenue, Treasury Division, Unclaimed Property Program, with the following (and a copy to the Department):

a. A spreadsheet providing the date of mailing for each payment, along with the borrower's name, last known mailing and physical address, telephone and/or cellular phone numbers, email address along with the check number, date issued, and as applicable, date the check is cashed or the date Respondents stop payment on the check.

b. A check made out to "State of Alaska – Unclaimed Property Program" for the balance owed to borrowers for checks mailed under this paragraph, but remaining uncashed by the date of the spreadsheet and, for each borrower whose check remains uncashed, a list for

the use of the Alaska Department of Revenue, Treasury Division, Unclaimed Property Program, including a notice that the information is given under penalty of unsworn falsification, with the borrower's name, the last known mailing and physical address, telephone and/or cellular phone numbers, email address, loan date(s) and account number(s), and the date the amount became payable under this Consent Order.

c. Respondents shall use the following addresses for submittals required by paragraph 5:

i. Alaska Department of Revenue  
Treasury Division  
Unclaimed Property Program  
Attention: Rachel Lewis

Mailing Address:  
PO Box 110405  
Juneau, AK 99811-0405

For Physical/Overnight Delivery:  
333 Willoughby Avenue  
11th Floor State Office Building  
Juneau AK 99801-1770

ii. Alaska Department of Commerce, Community, and Economic  
Development  
Division of Banking and Securities  
Attention: Kevin Anselm

Mailing/Physical Address:  
550 West Seventh Avenue  
Suite 1850  
Anchorage, AK 99501

6. **No Collection Activity.** Respondents aver that, effective September 7, 2011, any and all collection activity against any alleged Alaskan borrower that may have taken place ceased. Respondents agree to pursue no further collection activity against any alleged Alaskan borrower.

7. **No Negative Credit Report.** Respondents aver that no negative credit report has ever been made or will be made against any alleged Alaskan borrower who received a loan from Respondents.

8. **Noncompliance with Order.** Respondents agree and understand that failure to abide by the terms and conditions of this Consent Order may result in further legal action by the Department and an imposition of civil penalties against any and all Respondents for violations pursuant to AS 06.01.035. For the purposes of this paragraph and any related sanctions, any future violations by any Respondent of AS 06.01.035, if proven, will result in civil penalties being assessed against each Respondent at the highest amount listed in AS.06.01.035(f).

9. **Curry Dismissal.** The Department agrees to dismiss Mark E. Curry (“Curry”) as a Respondent in this proceeding, with the dismissal to be executed directly subsequent to the execution of this Consent Order. The Department agrees that the dismissal will be with prejudice as to all claims of the Department against Curry arising under AS 06.50 for alleged lending activity occurring from 2005 to the execution date of this Consent Order. In the event any Respondent fails to comply with this Consent Order, further legal action by the Department may result pursuant to paragraph 8.

10. **Binding.** This Consent Order shall be binding on all employees, agents, officers, directors, and other representatives, assigns, heirs, or successors in interest, of each Respondent.

11. **Continuation of Dissolved Corporation.** Respondent Oakmont Funding, Inc., a Delaware corporation, filed a Certificate of Dissolution on March 5, 2012. Respondents acknowledge that the corporation remains in existence until its liability under this Consent Order is fully discharged and both this administrative proceeding and superior court case no.

3AN-13-5295CI are dismissed.

12. **No Press Release.** The Department agrees not to issue a press release, or a release in any other type of media, regarding the execution of this Consent Order. “Media,” as used in this paragraph, does not include a State of Alaska website.

13. **Stipulation of Dismissal.** Upon complete performance by Respondents of their obligations under this agreement, the Department and Respondents agree to jointly execute a stipulation of dismissal of OAH case no. 12-0163-BFI and Superior Court case no. 3AN-13-5295CI.

14. **Further Remedies.** Other than as noted specifically above, the entry of this order does not limit further remedies that may be available to the Department under Alaska law for any violation that may occur after the date of this order.

15. **Violation of Order.** Violation of this Consent Order may be used by the Department as evidence in subsequent proceedings against Respondent(s) under AS 06.50.

16. **Future Application.** The Department agrees it will not use this Consent Order to prove any past alleged violations of AS 06.50.

17. **Authority to Execute Order.** The undersigned have represented and warranted that they have the full power and right to execute this Consent Order on behalf of the parties represented.

18. **Voluntarily Entered.** The undersigned Respondents have voluntarily entered into this Consent Order, which is effective when signed by the Respondents and their designees.

19. **Final Action.** This Consent Order is a final action of the Division agreed to by Respondents and is not subject to appeal.

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DATED this 26<sup>th</sup> day of September, 2013.

RESPONDENTS

By: /s/ Mark E. Curry  
Mark E. Curry  
Sole Owner

SUBSCRIBED AND SWORN TO before me this 26<sup>th</sup> day of September, 2013, at  
Johnson County, Kansas.

/s/ Lea McCandless  
Notary Public in and for Kansas  
Lea McCandless  
Notary Printed Name  
My commission expires: 08/24/16

**IT IS SO ORDERED** this 30<sup>th</sup> day of September, 2013.

SUSAN BELL  
Commissioner, Department of Commerce,  
Community, and Economic Development

/s/ Lorie L. Hovanec  
Lorie L. Hovanec, Director  
Division of Banking and Securities