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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING 2008 MAY 27 PM 1:25

PA DEPT OF BANKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING,  
BUREAU OF COMPLIANCE,  
INVESTIGATION AND LICENSING

Docket No. 08 0083 (ENF-CO)

v.

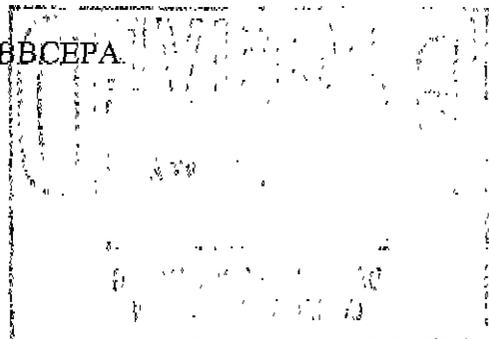
ASSIST BUILD, LLP

**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Examinations, has conducted an examination of Assist Build, LLP ("Assist Build"), and its officers, employees and directors. Based on the results of the examination, the Bureau of Compliance, Investigation and Licensing ("Bureau") alleges that Assist Build is in violation of the Mortgage Bankers and Brokers & Consumer Equity Protection Act ("MBBCEPA"), 63 P.S. § 456.101 *et. seq.* The parties to the above captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Order").

**BACKGROUND**

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the MBBCEPA.



2. The Bureau is primarily responsible for administering and enforcing the MBBCEPA.

3. Assist Build is licensed as a First Mortgage Broker, license no. 15610, with a principal place of business located at RR 1 Box 510, Rt. 611, Tannersville, Pennsylvania 18372 (“Principal Place”).

4. Assist Build was initially licensed as a First Mortgage Broker on February 15, 2006.

#### Continuing Education Requirements

5. On July 17, 2007, an Examiner from the Department conducted an examination of the Principal Place.

6. The examination revealed that Assist Build did not have an individual at the Principal Place obtain the continuing education credits for the renewal period of July 1, 2005 through June 30, 2006 (“2005-2006 renewal period”).

7. Assist Build had until December 31, 2006 to have an individual at its Principal Place complete the continuing education credits because it was initially licensed on February 15, 2006.

8. Assist Build, through its President, demonstrated to the Examiner that it was misinformed as to the due date for continuing education requirements for the 2005-2006 renewal period.

9. Assist Build obtained credits on February 14, 2007, which applied to the renewal period of July 1, 2006 through June 30, 2007.

10. Section 304(e) of the MBBCEPA provides, in relevant part, that “[t]o maintain a

. . . mortgage broker's license, the applicant or licensee shall demonstrate to the satisfaction of the secretary that at least one individual from each licensed office has attended a minimum of six hours of such continuing education each year." See 63 P.S. § 456.304(e); see also 10 Pa. Code § 44.2(a)(1).

11. The MBBCEPA regulations provide that "[t]he continuing education requirements imposed . . . shall apply to all renewals of licenses *except when an initial licensee has been licensed by the Department for less than 6 months prior to its first annual renewal date, in which case the licensee shall be in compliance with this chapter within 6 months after its first annual renewal date.*" See 10 Pa. Code § 44.2(b) (emphasis added).

12. The annual renewal date is "July 1 of each calendar year." 10 Pa. Code § 44.1.

13. The annual renewal period is "[t]he licensing term commencing July 1 of 1-calendar year and ending on June 30 of the following calendar year." *Id.*

14. Here, Assist Build was initially licensed on February 15, 2006, which is less than six months prior to its first annual renewal date of July 1, 2006.

15. As a result, it had until December 31, 2006 to complete its continuing education requirements for the 2005-2006 renewal period because it was initially licensed during that renewal period.

16. However, Assist Build did not have an individual at its Principal Place complete the continuing education requirements by December 31, 2006.

#### Fine Authority

17. Section 314(c) of the MBBCEPA provides that "[a]ny person licensed under the provisions of this chapter or any director, officer, employee or agent of a licensee who shall

violate the provisions of this chapter . . . shall be subject to a fine levied by the department of up to \$2,000 for each offense.” 63 P.S. § 456.314(c).

### **VIOLATION**

18. By failing to have an individual complete the required continuing education credits by December 31, 2006 at its Principal Place for the 2005-2006 renewal period, Assist Build violated Section 304(e) of the MBBCEPA and the regulations at 10 Pa. Code §§ 44.2(a)(1), 44.2(b).

### **RELIEF**

19. Fine. Within thirty (30) days of the Effective Date of this Order, Assist Build shall pay to the Department a fine in the amount of \$250. Payment shall be remitted by certified check or money order and made payable to the “Department of Banking” and shall be sent to the attention of Non-Depository Institutions, Bureau of Compliance, Investigation and Licensing located at 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

20. Corrective Action. Assist Build shall complete its continuing education requirements as set forth in the MBBCEPA and its regulations.

### **FURTHER PROVISIONS**

21. Consent. Assist Build hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau’s order authority under the MBBCEPA and agrees that it understands all of the terms and conditions contained herein. Assist Build by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

22. Publication and Release. Assist Build consents to the publication and release of this Order.

23. Entire Agreement. This Order contains the whole agreement between the parties. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Bureau and Assist Build.

24. Binding Nature. The Bureau, Assist Build, and all officers, owners, directors, employees, heirs and assigns of Assist Build intend to be and are legally bound by the terms of this Order.

25. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

26. Effectiveness. Assist Build hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order ("Effective Date").

27. Other Enforcement Action.

a. The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against Assist Build in the future regarding all matters not resolved by this Order.

b. Assist Build acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

28. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

29. Counterparts. This Order may be executed in separate counterparts.

30. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Bureau and Assist Build intending to be legally bound do hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING  
BUREAU OF COMPLIANCE, INVESTIGATION  
AND LICENSING

John Talalai, Administrator  
Bureau of Compliance, Investigation and Licensing  
Department of Banking

Date: 5-27-08

FOR ASSIST BUILD, LLP

[Signature]  
(Officer Signature)

[Signature]  
(Print Officer Name)

Pres  
(Title)

Date: 5/15/08