

FILED

2000 FEB 28 PM 3:02

PA DEPT. OF BANKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

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

Docket No. 070191 (C&D)

v.

BRADLEY SKIERKOWSKI
and
ROBERT HAWKS

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking (the "Department"), Bureau of Compliance, Investigation and Licensing¹ (the "Bureau"), has conducted an investigation into the business practices of Bradley Skierkowski and Robert Hawks. Based on the results of the investigation, the Bureau believes that Bradley Skierkowski and Robert Hawks operated in violation of the Mortgage Bankers and Brokers & Consumer Equity Protection Act (the "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 (the "Order").

BACKGROUND

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

¹ Due to a reorganization within the Department, the Non-Depository Division of the Bureau of Supervision and Enforcement is now part of the Bureau of Compliance, Investigation and Licensing.

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

3. Bradley Skierkowski is an individual who has been involved in the residential mortgage loan business in Pennsylvania since at least 2002.

4. Robert Hawks is an individual who has been involved in the residential mortgage loan business in Pennsylvania since at least 2002.

5. Mr. Skierkowski had been the office supervisor for three former mortgage licensees in Pennsylvania.

6. Mr. Hawks worked for Mr. Skierkowski at two of the former mortgage licensees (the Licensees”).

7. The Licensees used 102 N. Blakely Street, Dunmore, PA 18512 (the “Dunmore Location”) as a licensed branch location.

8. Mr. Skierkowski and Mr. Hawks worked at the Dunmore Location for the Licensees.

9. The Dunmore Location has not been a licensed location for any residential mortgage company since September 19, 2007.

10. While working at the Licensees Mr. Skierkowski and Mr. Hawks utilized a website, www.jumbomortgages101.com (the “Website”), to generate leads for their mortgage businesses.

11. The Website listed the address of the Dunmore Location.

12. The Website did not always show the name of the Licensee by which Bradley Skierkowski and Robert Hawks were employed.

13. The Website was designed to make it appear that the name of the company operating the website was Jumbo Mortgage.

14. Section 309(a)(1) of the MBBCEPA provides, in relevant part, that a licensee shall not “[t]ransact any business subject to the provisions of this chapter under any other name except those designated in its license.” 63 P.S. § 456.309(a)(1).

15. By using a website that appeared to be operated by a company other than a licensee under the MBBCEPA, Bradley Skierkowski and Robert Hawks were transacting business under a name other than the name of a licensee.

16. The Website remained operational after the Licensees Mr. Skierkowski and Mr. Hawks worked for had been cancelled, the last of which was cancelled September 19, 2007.

17. Section 302 of the MBBCEPA provides that “[a] person is deemed to be engaged in the first mortgage loan business in this Commonwealth if that person *advertises, causes to be advertised, solicits, negotiates or arranges in the ordinary course of business, offers to make or makes more than two first mortgage loans in a calendar year in this Commonwealth, whether directly or by any person acting for his benefit.*” 63 P.S. § 456.302 (emphasis added).

18. Section 303(a) of the MBBCEPA provides, in relevant part, that “no person shall act as a mortgage banker, loan correspondent, mortgage broker or limited mortgage broker in this Commonwealth without a license. . .” 63 P.S. § 456.303(a).

19. After September 19, 2007, by operating a website that solicited residential mortgage loan applications and referencing the Dunmore Location, Bradley Skierkowski and Robert Hawks were engaged in the first mortgage loan business in Pennsylvania even though they were not licensed to be engaged in the first mortgage loan business in Pennsylvania.

20. Bradley Skierkowski and Robert Hawks represent that they have not originated any residential loans from a Pennsylvania location since September 19, 2007, when they were employees of one of the Licensees.

21. On or around December 5, 2007, the Bureau filed a Cease and Desist Order (the "December C&D") against Mr. Skierkowski and Mr. Hawks.

22. On or around December 17, 2007, Mr. Skierkowski and Mr. Hawks appealed the December C&D.

23. This Order is being entered in settlement of the December C&D.

24. Subsequent to receiving the December C&D, Mr. Skierkowski and Mr. Hawks corrected the Website to remove references to the Dunmore Location.

VIOLATIONS

25. Bradley Skierkowski and Robert Hawks are in violation of the following sections of the MBBCEPA:

- a. Section 309(a)(1) by transacting business related to originating Pennsylvania residential mortgage loans using a name not on any applicable license; and
- b. Section 303(a) by engaging in the residential first mortgage loan business in Pennsylvania when they were not licensed to do so.

RELIEF

26. Fine. Within thirty (30) days of the Effective Date of this Order, Bradley Skierkowski and Robert Hawks shall *each* pay to the Department a fine in the amount of \$1,000.

27. Corrective Measures.

a. Bradley Skierkowski and Robert Hawks shall not engage in the residential first mortgage loan business in Pennsylvania unless they are either licensed under the MBBCEPA, employees of a licensee under the MBBCEPA, or otherwise exempted from the licensing requirements of the MBBCEPA as described in 303(b) of the MBBCEPA. 63 P.S. § 456.303(b).

b. Bradley Skierkowski and Robert Hawks shall not solicit first mortgage loan applications from any location in Pennsylvania, via a website or otherwise, unless they are in compliance with paragraph "a" above.

c. Bradley Skierkowski and Robert Hawks shall not solicit Pennsylvania first mortgage loan applications from a Pennsylvania consumer and/or involving Pennsylvania residential real property, from any location outside of Pennsylvania, via a website or otherwise, unless they are in compliance with paragraph "a" above.

d. If and when Bradley Skierkowski and Robert Hawks are in compliance with paragraph "a" above, Bradley Skierkowski and Robert Hawks shall not solicit first mortgage loan applications, accept first mortgage loan applications or application information, or otherwise originate mortgage first loans from any location other than a licensed location under the MBBCEPA.

e. If and when Bradley Skierkowski and Robert Hawks are in compliance with paragraph "a" above, the individuals shall not solicit first mortgage loan applications, accept first mortgage loan applications or application information, or otherwise originate mortgage first loans in any name other than a name appearing on the applicable license.

FURTHER PROVISIONS

28. Consent. Bradley Skierkowski and Robert Hawks hereby knowingly, willingly, voluntarily and irrevocably consent to the entry of this Order pursuant to the Bureau's order authority under the MBBCEPA and agree that they understand all of the terms and conditions contained herein. Bradley Skierkowski and Robert Hawks, by voluntarily entering into this Order, waive any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

29. Publication and Release. Bradley Skierkowski and Robert Hawks consent to the publication and release of this Order.

30. 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, Bradley Skierkowski and Robert Hawks.

31. Binding Nature. The Bureau, Bradley Skierkowski and Robert Hawks intend to be and are legally bound by the terms of this Order.

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

33. Effectiveness. The individuals hereby stipulate and agree that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

34. 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 the individuals in the future regarding all matters not resolved by this Order.

b. The individuals acknowledge and agree 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.

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

36. Counterparts. This Order may be executed in separate counterparts and by facsimile.

37. 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, Bradley Skierkowski and Robert Hawks, 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**

James Keiser, Administrator
Department of Banking
Bureau of Compliance,
Investigation and Licensing

Date: February 28, 2008

Bradley Skierkowski

Date: 2/28/08

Robert Hawks

Date: 2/28/8