

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

FILED

2009 JUN 29 AM 11:17

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

PA DEPT OF BANKING

Docket No. 09 0121 (ENF-ORD)

v.

JOYCE DAVERN

PA DEPT OF BANKING

2009 JUL 31 PM 3:01

FILED

NOTICE OF RIGHT TO APPEAL AND HEARING

You, Joyce Davern, have the right to appeal the attached Order of Prohibition (the "Order") within 10 days of the date of service. See 1 Pa. Code § 35.20. The date of service is the date the Order is deposited in the mail or delivered to you in person, as the case may be, as set forth in 1 Pa. Code § 33.34. If you appeal the Order, you also have a right to a hearing.

To file an appeal and request a hearing on the Order, you must file a petition with the Secretary of Banking within 10 days of the date of service. The petition must be in writing, state clearly and concisely your grounds of interest in the subject matter, the facts you rely upon, the law you rely upon, and the relief you seek. See 1 Pa. Code § 35.17. Please deliver your petition to:

Linnea Freeberg, Docket Clerk
Office of Executive Deputy Secretary
Pennsylvania Department of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101

The petition must be received by the Docket Clerk within the aforementioned 10 day deadline. If the Docket Clerk does not receive your petition on time, you will waive your right to an appeal and a hearing and the Order will be deemed final.

If you choose to file a petition challenging the Order, please send an additional copy to:

Begene Ann Bahl, Assistant Counsel
Pennsylvania Department of Banking
17 N. Second Street, Suite 1300
Harrisburg, PA 17101

Once you file your petition appealing the Order and requesting a hearing, you will be notified of the hearing date, time, place, the person who will preside at your hearing, and any other pertinent information.

You have the right to be represented by an attorney. Corporations may be required to be represented by an attorney.

The hearing and all other procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1.-35.251.

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Docket No. 09 0121 (ENF-ORD)

v.

JOYCE DAVERN

ORDER OF PROHIBITION

WHEREAS, the Department of Banking (the "Department") is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce 7 Pa. C.S. § 6101, et. seq. (the "Mortgage Act"); and

WHEREAS, the Bureau of Compliance, Investigation and Licensing (the "Bureau") is primarily responsible for administering and enforcing the Mortgage Act for the Department; and

WHEREAS, the Mortgage Act is the successor statute to Chapter 3 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act (the "MBBCEPA"), 63 P.S. § 456.301 et. seq., and the Secondary Mortgage Loan Act (the "SMLA"), 7 P.S. § 6601 et. seq. On November 5, 2008, Chapter 3 of the MBBCEPA and the SMLA were repealed by operation of law and replaced by the Mortgage Act; and

WHEREAS, from approximately May 2004 through December 2007, Joyce Davern ("Davern") was employed as a loan originator; and

WHEREAS, on January 29, 2008 the United States Attorney's Office, Western District of Pennsylvania, filed an Indictment against Davern (See a copy of the Indictment attached as Exhibit A); and

WHEREAS, the Indictment alleges that Davern assisted consumers to apply for loans to purchase properties in Western Pennsylvania (See Exhibit A, ¶2); and

WHEREAS, Davern submitted loan applications to lenders knowing that the loan applications contained materially false information about borrowers' financial conditions (See Exhibit A, ¶3); and

WHEREAS, Davern submitted false documents in connection with the loan applications to lenders, including but not limited to, verifications of employment, verifications of deposit, appraisals, pay stubs, and W-2s (See Exhibit A, ¶4); and

WHEREAS, Davern, working with others, caused wire transfers from the accounts of the lending institutions, located outside the Commonwealth of Pennsylvania, to the accounts of the closing agents located in the Commonwealth of Pennsylvania (See Exhibit A, ¶5); and

WHEREAS, as a result of this conduct, the Indictment alleges that Davern engaged in "Wire Fraud" conspiracy (See Exhibit A, ¶1); and

WHEREAS, the "Wire Fraud" conspiracy relates to the mortgage industry; and

WHEREAS, Wire Fraud conspiracy is a felony; and

WHEREAS, on August 18, 2008 Davern pled guilty to the Indictment (See a copy of the Plea attached as Exhibit B); and

WHEREAS, Section 6138(a)(4) of the Mortgage Act (corresponding to Section 310(a) of the MBBCEPA and Section 16(1) of the SMLA) grants the Department broad authority to

issue orders as may be necessary for the enforcement of the Mortgage Act, 7 Pa. C.S. § 6138(a)(4) (corresponding to 63 P.S. § 456.310(a) and 7 P.S. § 6616(1)); and

AND NOW THEREFORE, based upon the foregoing, the Bureau, under the authority cited above, hereby imposes the following Order. Upon the effective date of this Order:

Joyce Davern, as a natural person or as a corporation or as any other form of organization of any kind whatsoever, is hereby prohibited from working in the mortgage loan business as regulated by the Mortgage Act as a licensee, employee, independent contractor, agent, representative, or in any other capacity of any kind whatsoever, in any way whatsoever.

IT IS SO ORDERED.

Date: 9/29/09

Lucy Cortez, Enforcement Administrator
Department of Banking,
Bureau of Compliance, Investigation and Licensing
Market Square Plaza
17 N. 2nd Street, Suite 1300
Harrisburg, PA 17101

1544

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

JOYCE DAVERN)
KELLY FIELDS)
SABRINA STETTER)

Criminal No. 08-33

(18 U.S.C. § 1349)

INDICTMENT

COUNT ONE

FILED

JAN 29 2008

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

The Grand Jury charges:

THE CONSPIRACY AND ITS OBJECTS

1. From in or around May 2004 and continuing thereafter until in or around December 2007, in the Western District of Pennsylvania and elsewhere, the defendants, JOYCE DAVERN, KELLY FIELDS, and SABRINA STETTER, knowingly and willfully did conspire, combine, confederate and agree with other persons known to the Grand Jury, to commit an offense against the United States, that is, Wire Fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

2. It was a part of the conspiracy that defendants JOYCE DAVERN, KELLY FIELDS, and SABRINA STETTER, assisted individuals fraudulently apply for loans to purchase properties in the Western District of Pennsylvania.

3. It was further a part of the conspiracy that defendants KELLY FIELDS and JOYCE DAVERN submitted loan applications knowing

that the loan applications contained materially false information about the borrowers' financial condition.

4. It was further a part of the conspiracy that defendants JOYCE DAVERN and KELLY FIELDS, and other members of the conspiracy, submitted false documents in connection with the fraudulent loan applications, such documents including, but not limited to, verifications of employment, verifications of deposit, appraisals, pay stubs, and W-2s.

5. It was further a part of the conspiracy that members of the conspiracy caused wire transfers from the accounts of the lending institutions, located outside the Commonwealth of Pennsylvania, to the accounts of the closing agents located in the Commonwealth of Pennsylvania, in furtherance of the Wire Fraud scheme.

All in violation of Title 18, United States Code, Section 1349.

FORFEITURE ALLEGATIONS

6. The allegations set forth in paragraphs one through five of this Indictment are incorporated herein as if set forth in full for the purpose of alleging criminal forfeitures pursuant to 28 U.S.C. Section 2461(c), which incorporates Title 18, United States Code, Section 981(a)(1)(C) and Title 21, United States Code, Section 853(p).

7. As a result of the commission of the violation charged in paragraphs one through five of this Indictment, the defendants, JOYCE DAVERN and KELLY FIELDS, did acquire the following property that constitutes, and is derived from, the proceeds obtained, directly and indirectly, from such violation, thereby subjecting said property to forfeiture to the United States of America pursuant to 28 U.S.C. Section 2461(c), which incorporates Title 18, United States Code, Section 981(a)(1)(C):

(a) United States currency, cash equivalents, and bank account balances, constituting the gross proceeds of such violations; and

(b) All assets of the Gerald N. Spear Trust, including but not limited to the property described as Lot No. 20 of the Carl E. Myers Plan of Lots in North Shenango Township, recorded in the office of the Recorder of Deeds of Crawford County, Pennsylvania, in Deed Book 403, Page 551.

8. If through any act or omission by the defendants, JOYCE DAVERN and KELLY FIELDS, any or all of the property described in paragraph 7 above (hereinafter the "Subject Properties")

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred, sold to, or deposited with a third person;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be subdivided without difficulty,

the United States intends to seek forfeiture of any other property of the defendants, JOYCE DAVERN and KELLY FIELDS, up to the value of the Subject Properties forfeitable above pursuant to 28 U.S.C. Section 2461(c), which incorporates Title 21, United States Code, Section 853(p).

A True Bill,

~~FOR~~ PERSON

MARY BETH BUCHANAN
United States Attorney
PA ID No. 50254

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
vs.)	Criminal No. 08-33-001
)	
JOYCE DAVERN,)	
)	
Defendant.)	

CHANGE OF PLEA

AND NOW, the defendant in the above-captioned case hereby withdraws her plea of not guilty entered March 11, 2008 and now pleads guilty in open court this 18th day of August 2008.

Defendant

Attorney for Defendant

CERTIFIED FROM THE RECORD

Date FEB - 5 2009

ROBERT V. BARTH JR. CLERK

By: _____
Deputy Clerk

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

COMMONWEALTH OF PENNSYLVANIA
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v.

JOYCE DAVERN

Docket No.: 090121 (ENF-ORD)

DEPT OF BANKING

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Order of Prohibition** upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code § 33.31:

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
AND FIRST CLASS MAIL**

Joyce S. Davern
4766 Beall Drive
Pittsburgh, PA 15236

Dated this 31st day of July, 2009.

Regene _____, Esq. Attorney at Counsel
Commonwealth of Pennsylvania
Department of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471