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PA DEPT OF BANKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING

A-1 Mortgage Company LLC :  
and Gregory M. Makozy, individually, :  
Petitioners, :

v. :

Docket No.: 090020 (LIC)

Commonwealth of Pennsylvania :  
Department of Banking, Bureau of :  
Compliance, Investigation and Licensing :  
Respondent. :

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Department of Banking :  
Bureau of Compliance, Investigation :  
and Licensing, :  
Petitioner :

v. :

Docket No.: 090117 (ENF-OSC)

Gregory M. Makozy, :  
Respondent. :

(consolidated)

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**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, acting through the Department of Banking, ("Department"), Bureau of Compliance, Investigation and Licensing, ("Bureau") has reviewed the activities of Gregory M. Makozy at A-1 Mortgage Corporation relative to the origination of mortgages without a license. Gregory M. Makozy, without admitting wrongdoing, seeks to resolve the Bureau's allegations stemming from its review without contest. Accordingly, the parties to the above-captioned matter, in lieu of litigation, hereby stipulate to the following information and 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 Mortgage Licensing Act.
- 2) The Bureau has the primary responsibility for administering and enforcing the Mortgage Licensing Act for the Department.
- 3) A-1 Mortgage Corporation is a Pennsylvania business corporation located at 1341 Old Freedom Road, Cranberry Township, PA 16066-5010.
- 4) Gregory M. Makozy represents that he currently resides at 1460 South Ocean Boulevard, Pompano Beach, Florida 33062.
- 5) Between February and June 2009, the Bureau conducted an investigation of the Gregory M. Makozy's activities at A-1 Mortgage Corporation at 1341 Old Freedom Road, Cranberry Township.
- 6) The Bureau alleges based upon information gathered during its review, that Gregory M. Makozy was originating mortgage loans without the required mortgage loan originator license.
- 7) Gregory M. Makozy denies the allegations and does not admit that any violations or wrongdoing whatsoever occurred.

## AUTHORITY OF THE DEPARTMENT

- 8) Section 6102 of the Mortgage Licensing Act defines a "mortgage originator" in relevant part, as "An individual not licensed as a mortgage lender, mortgage broker or loan correspondent under this chapter who solicits, accepts or offers

to accept mortgage loan applications, or negotiates mortgage loan terms, in other than a clerical or ministerial capacity and who is personally in direct contact, in writing, including electronic messaging, or by voice communication, with consumers with regard to the solicitations, acceptances, offers or negotiations." 7 Pa.C.S. § 6102.

9) Section 6111 of the Mortgage Licensing Act requires that mortgage originators be licensed and employed or supervised by a licensed mortgage broker, mortgage lender or mortgage loan correspondent. 7 Pa.C.S. § 6111.

10) Section 6138(a)(4) of the Mortgage Licensing Act provides the Department with authority to issue orders as may be necessary for the enforcement of the Mortgage Act. 7 Pa.C.S. § 6138(a)(4).

#### RELIEF

11) Gregory M. Makozy agrees to immediately cease and desist from originating mortgage loans effective November 18, 2009.

12) Gregory M. Makozy hereby withdraws his appeal of the denial of a license to A-I Mortgage Company LLC.

13) Upon execution of this agreement, the Bureau will remove from its website the Orders to Show Cause docketed at the above terms and numbers which are resolved by this Order.

#### FURTHER PROVISIONS

14) Consent. Gregory M. Makozy hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the Mortgage Licensing Act. Gregory M. Makozy understands all of the terms and conditions contained herein and agree that by voluntarily entering into this Order, and

waives any right to a hearing or appeal concerning the terms, conditions or penalties set forth in this Order.

15) Publication and Release. Gregory M. Makozy consents to the publication and release of this Order on the Department's website.

16) 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 Gregory M. Makozy.

17) Binding Nature. The Bureau and Gregory M. Makozy intend to be and are legally bound by the terms of this Order.

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

19) Effectiveness. Gregory M. Makozy hereby stipulates and agrees that, unless otherwise stated herein, provisions of this Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

20) Other Enforcement Action.

(a) The Department reserves all of its rights, duties, and authority to enforce all statutes, policy statements, rules and regulations under its jurisdiction against Gregory M. Makozy in the future regarding all matters not resolved by this order.

(b) Gregory M. Makozy 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.

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

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

22) 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 Gregory M. Makozny, 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**

Brian Crossland, Chief  
Compliance Division,  
Bureau of Compliance,  
Investigation and Licensing  
Department of Banking

1/4/2010  
Date

For Gregory M. Makozny, Individually

Gregory M. Makozny

12-29-09  
Date