

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.

WHEREAS, Section 6111(a) of the Mortgage Licensing Act provides that “. . . no person shall engage in the mortgage loan business in this Commonwealth [after November 5, 2008] without being licensed as a mortgage broker, mortgage lender, mortgage loan correspondent or mortgage originator as provided under this chapter. A mortgage originator may not engage in the mortgage loan business unless the mortgage originator is employed and supervised by a licensed mortgage broker, mortgage lender or mortgage loan correspondent. . .” 7 Pa. C.S. § 6111(a); and

WHEREAS, on February 4, 2010, Mr. Bumbery, although unlicensed, prepared a letter documenting “pre-approval for a home mortgage” for _____ on the letterhead of his former employer Home Finance Corp. at a time when Home Finance Corp. was no longer in business and was itself unlicensed, see Exhibit A; and

WHEREAS, to issue a pre-approval letter on the stationary of an unlicensed former employer is a dishonest, fraudulent, and illegal act, and an unfair and unethical practice or conduct in connection with the mortgage loan business for which a license may be suspended, revoked or refused under 7 Pa. C.S. § 6139(a)(3); and

WHEREAS, the pre-approval letter was provided to a real estate agent assisting _____ with the purchase of a home to be built by Pentrax Development Corporation in the state of Missouri; and

WHEREAS, in reliance on the pre-approval letter, _____ made representations to Pentrax Development Corporation that financing for the home was secured; and

WHEREAS, in reliance on the pre-approval letter, _____ paid Pentrax a downpayment of \$5,100 on the home; and

WHEREAS, in reliance on representations of _____ that she had secured financing, Pentrax released _____ from a contingency in the contract to build the home based upon obtaining financing; and

WHEREAS, no financing was applied for or obtained for _____ by James Bumbery; and

WHEREAS, Section 6138(a)(4) of the Mortgage Licensing Act grants the Department broad authority to issue orders for the enforcement of the Mortgage Licensing Act. 7 Pa. C.S. § 6138(a)(4); and

WHEREAS, the Department has the authority to prohibit or permanently remove a person that violates the Mortgage Licensing Act from working in the mortgage loan business, 7 Pa. C.S. § 6138(a)(5); and

WHEREAS, James Bumbery violated the Mortgage Licensing Act when he engaged in a dishonest, fraudulent, unethical and unfair act when he issued a falsified pre-approval letter on the letterhead of a former employer while he was unlicensed to engage in the mortgage loan business; and

AND NOW, THEREFORE, based upon the foregoing recitals, the Bureau, under the authority cited above, hereby imposes the following order.

Upon the effective date of this Order:

Pursuant to the Department's authority under Section 6138(a)(4) of the Mortgage Licensing Act, James Bumbery, as a natural person, 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 Licensing 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: 12-28-2010

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

Exhibit A

Feb 04 10 07:28p



805 MAIN STREET, STRICKLAND, PENNSYLVANIA 18830

February 04, 2010

Property:

Congratulations!

You have been Pre-Approved for a home mortgage in the amount of

\$145,500.00

We have sent a copy of this letter to your real estate company

KELSEY COTTRELL REALTY GROUP - KRIS KIMERIE

Thank you for choosing HFC Mortgage Co. to assist you with your mortgage needs. We look forward to making the mortgage process a pleasant experience. Should you have any questions, please contact me directly at 610-704-8156

Sincerely,

James Bamberg
Senior Mortgage Specialist

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

FILED

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

PA DEPT OF BANKING

Docket No.: 10 0304 (ENF-ORD)

v.

JAMES BUMBERY

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:

BY FIRST CLASS MAIL and CERTIFIED MAIL

James Bumbery
PO Box 955
Kregesville, PA 18333

Dated this 28th day of December, 2010.

Linda Carroll
Deputy Chief Counsel
Attorney I.D. # 35868
Commonwealth of Pennsylvania
Department of Banking
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Harrisburg, PA 17101-2290
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