

FILED

COMMONWEALTH OF PENNSYLVANIA 2010 MAY 14 PM 3: 32
DEPARTMENT OF BANKING

PA DEPT OF BANKING

COMMONWEALTH OF PENNSYLVANIA	:	Docket No. : 100011(ENF-ORD)
DEPARTMENT OF BANKING, BUREAU	:	
OF COMPLIANCE, INVESTIGATION	:	
AND LICENSING,	:	
	:	
	:	
v.	:	
	:	
MESA LAW GROUP CORPORATION.	:	

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 business practices of Mesa Law Group Corporation ("Mesa Law Group"), and its officers, employees and directors. Based on the results of its review, the Bureau believes that Mesa Law operated in violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6101 *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 and conditions of this Consent Agreement and Order ("Order").

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 is primarily responsible for administering and enforcing the Mortgage Licensing Act for the Department.
3. The Mortgage Licensing Act was amended on August 5, 2009 by Act 31 of 2009, H.B. 1654 (P.N. 2448).

4. In or around January 2010 the Bureau became aware that Mesa Law Group had sent a direct mail solicitation to an individual located in Lancaster, Pennsylvania regarding mortgage loan modifications.

5. Mesa Law Group advertises on its website, www.mesalawgroup.com that it conducts mortgage loan modifications.

6. The Mortgage Licensing Act applies to any mortgage loan that is “(i) negotiated, offered or otherwise transacted within this Commonwealth, in whole or in part, whether by the ultimate lender *or any other person*; (ii) made or executed within this Commonwealth; or (iii) notwithstanding the place of execution, secured by real property located in this Commonwealth.” 7 Pa. C.S. § 6135(1) (emphasis added).

7. Section 6102 of the Mortgage Licensing Act defines “mortgage loan business” as “[t]he business of advertising, causing to be advertised, soliciting, negotiating or arranging in the ordinary course of business or offering to make or making mortgage loans.” 7 Pa. C.S. § 6102.

8. Section 6111(a) of the Mortgage Licensing Act provides that “. . . no person shall engage in the mortgage loan business in this Commonwealth 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).

9. Section 6112(2) of the Mortgage Licensing Act provides an exception to licensure for attorneys at law “*not otherwise engaged in or holding himself or herself out to the public as being engaged in the mortgage loan business who acts as a mortgage broker or a mortgage*

originator in negotiating or placing a mortgage loan in the normal course of legal practice.” 7 Pa. C.S. § 6112(2) (emphasis added).

10. Mesa Law Group is not licensed to engage in the mortgage loan business in Pennsylvania.

11. On February 5, 2010, the Bureau issued a cease and desist order against Mesa Law Group for engaging in unlicensed activity.

12. This Order resolves the February 5, 2010 cease and desist order.

13. This Order is offered and accepted for the purpose of compromising disputed claims and avoiding the expense, inconvenience, and uncertainty of litigation. Nothing contained in this Order, nor any acts agreed to pursuant to it, shall construe, be deemed, or be treated by any Party for any purpose as an admission of an act, position, violation, omission, liability, or damages.

Authority of the Department

14. Section 6138(a)(4) of the Mortgage Licensing Act provides the Department with authority to issue orders as may be necessary for the proper conduct of the mortgage loan business and the enforcement of the Mortgage Licensing Act. 7 Pa. C.S. § 6138(a)(4).

RELIEF

15. Corrective Action. Upon the Effective Date of this Order, Mesa Law Group and any and all officers, members, managers, employees, independent contractors or agents of Mesa Law Group shall cease and desist from engaging in the mortgage loan business subject to the Mortgage Licensing Act, including, but not limited to, advertising (including direct mailings), accepting applications and negotiating mortgage loans and mortgage loan modifications in Pennsylvania or to Pennsylvania consumers, unless and until such time that Mesa Law Group

and all loan originators as defined by the Mortgage Licensing Act are licensed by the Department pursuant to the Mortgage Licensing Act.

FURTHER PROVISIONS

16. Consent. Mesa Law Group 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 and agrees that it understands all of the terms and conditions contained herein. Mesa Law Group 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.

17. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of the Department of Banking Code. 71 P.S. § 733-302.A.(5).

18. 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 Mesa Law Group.

19. Binding Nature. The Department, Mesa Law Group, and all officers, owners, directors, employees, heirs and assigns of Mesa Law Group intend to be and are legally bound by the terms of this Order.

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

21. Effectiveness. Mesa Law Group hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order ("Effective Date").

22. 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 Mesa Law Group in the future regarding all matters not resolved by this Order.
- b. Mesa Law Group 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.

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

24. Counterparts. This Order may be executed in separate counterparts, by facsimile or by PDF.

25. 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 Department and Mesa Law Group 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 T. Galai; Administrator
Bureau of Compliance, Investigation and Licensing
Department of Banking

Date: 5-14-2010

FOR MESA LAW GROUP CORPORATION

[Signature]
(Officer Signature)

[Name]
(Print Officer Name)

President
(Title)

Date: 5-7-10