

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING

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

v.

ALL MORTGAGE LENDING, LLC

PA DEPT OF BANKING  
Docket No: 11 0150 (ENF-CO)

**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Examinations, conducted an examination of All Mortgage Lending, LLC ("All Mortgage Lending"), and its officers, employees and directors. Based on the results of the examination, the Bureau of Compliance, Investigation and Licensing ("Bureau") believes that All Mortgage Lending 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 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 Mortgage Licensing Act was enacted on November 5, 2008.

3. Effective as of December 20, 2008, the Department promulgated a regulation under the Mortgage Licensing Act known as the Proper Conduct of Lending and Brokering in the Mortgage Loan Business ("Proper Conduct Regulation"). 10 Pa. Code § 46.1 et seq.

4. The Bureau is primarily responsible for administering and enforcing the Mortgage Licensing Act and the Proper Conduct Regulation for the Department.

5. All Mortgage Lending is currently licensed under the Mortgage Licensing Act as a mortgage broker, with license number 21498 and with the National Mortgage Licensing System Registry ("NMLSR") identification number of 113193.

6. All Mortgage Lending maintains its principal place of business at 125 Penn View Drive, Monroeville, Pennsylvania 15146.

7. On or around October 25, 2010, the Bureau conducted an examination ("Examination") of All Mortgage Lending at its principal place of business.

8. All Mortgage Lending indicated to the Department that it was unaware of some of the requirements of the Mortgage Licensing Act and agreed to remedy the cited violations as soon as possible.

#### NMLS Unique Identifier

9. The exam revealed that forty (40) mortgage loan applications did not display the mortgage originator's National Mortgage Licensing System unique identifier number.

10. Section 6121(14) of the Mortgage Licensing Act requires that all mortgage loan application forms clearly display the unique identifier. 7 Pa. C.S. § 6121(14).

11. Forty (40) of the loan files did not clearly display the unique identifier.

### Advertising

12. The exam revealed that some All Mortgage Lending business cards did not disclose that All Mortgage Lending was licensed by the Department.

13. Section 6135(a)(5) of the Mortgage Licensing Act provides that a licensee shall include language in all advertisements indicating it is licensed by the Department. 7 Pa. C.S. § 6135(a)(5).

### Mortgage License Display

14. The exam revealed that All Mortgage Lending did not prominently display its current mortgage originator license at its principal place of business.

15. Section 6135(a)(1) of the Mortgage Licensing Act requires licensed mortgage brokers to conspicuously display the mortgage broker's license and copies of the license of all mortgage originators assigned to that location. 7 Pa. C.S. § 6135(a)(1).

### Gramm-Leach-Bliley

16. The exam revealed that All Mortgage Lending did not maintain a written information security plan as required by Gramm-Leach-Bliley. 15 U.S.C. § 6801, et seq.

17. The Mortgage Licensing Act requires licensees to comply with all applicable federal law. 7 Pa. C.S. § 6121(3).

18. Upon completion of the examination, All Mortgage Lending had developed a written information security plan.

### Pennsylvania Consumer Disclosure Form

19. The Examination revealed that All Mortgage Lending did not consistently provide applicants with a properly completed Pennsylvania Consumer Disclosure Form ("Disclosure Form") and maintain the executed disclosure form in the applicant's loan file.

20. A violation of the Proper Conduct Regulation is a violation of the Mortgage Licensing Act. 10 Pa. Code § 46.3(a).

21. The Proper Conduct Regulation requires that All Mortgage Lending, as a licensee, issue a disclosure form to applicants. 10 Pa. Code § 46.2(b).

22. As part of the examination, the Bureau reviewed forty (40) mortgage loan files originated by All Mortgage Lending (“Loan Files”).

23. In order for a disclosure form to be complete, the Proper Conduct Regulations require that it contain the signature(s) of the borrower(s); the date the borrower(s) signed the disclosure; the licensee’s name; and the date of issuance by the licensee. 10 Pa. Code § 46.2(c).

24. The forty (40) loan files contained incomplete disclosure forms because the forms did not reflect the licensee’s name or the date of issuance by the licensee.

25. The Proper Conduct Regulation further required All Mortgage Lending to maintain a completed original disclosure form in the applicant’s loan file. 10 Pa. Code § 46.2(e).

#### Authority of the Department

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

27. The Mortgage Licensing Act permits the Department to suspend, revoke or refuse to renew a license of a licensee where that licensee “failed to comply with or violated any provision of this chapter or any regulation or order promulgated or issued by the department under this chapter.” 7 Pa. C.S. § 6139(a)(2).

28. Section 6140(b) of the Mortgage Licensing Act provides, in relevant part, that “[a] person licensed under this chapter or director, officer, owner, partner, employee or agent of

a licensee who violates a provision of this chapter or who commits any action which would subject the licensee to suspension, revocation or nonrenewal under section 6139 may be fined by the department up to \$10,000 for each offense.” 7 Pa. C.S. § 6140(b).

### VIOLATIONS

29. All Mortgage Lending violated Section 6121(14) of the Mortgage Licensing Act when it failed to include the unique identifier on all mortgage applications. 7 Pa. C.S. § 6121(14).

30. All Mortgage Lending violated the Mortgage Licensing Act when it issued some business cards that did not contain language stating that All Mortgage Lending is licensed by the Department. 7 Pa. C.S. § 6135(a)(5).

31. All Mortgage Lending violated the Mortgage Licensing Act when it did not display the current mortgage originator license. 7 Pa. C.S. § 6135(a)(1).

32. All Mortgage Lending violated the Mortgage Licensing Act when it was not in compliance with the Gramm-Leach-Bliley Act. 7 Pa. C.S. § 6121(3).

33. All Mortgage Lending violated the Proper Conduct Regulation, and therefore, the Mortgage Licensing Act, when it failed to consistently fully complete disclosure forms to applicants. 10 Pa. Code § 46.2(e).

### RELIEF

34. Fine. All Mortgage Lending agrees to pay a fine of one thousand eight hundred dollars (\$1,800) which shall be due and payable to the Department within thirty (30) days of the Effective Date of this Order. The fine payment shall be remitted by certified check or money order made payable to the Pennsylvania Department of Banking and sent to the attention of:

Pennsylvania Department of Banking, Bureau of Compliance, Investigation and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

35. Corrective Measures. Upon the Effective Date of the Order, All Mortgage Lending shall provide every applicant with a fully completed Pennsylvania Consumer Disclosure Form and adhere to all the requirements of the Proper Conduct Regulation.

#### **FURTHER PROVISIONS**

36. Consent. All Mortgage Lending 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. All Mortgage Lending, 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.

37. 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).

38. 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 All Mortgage Lending.

39. Binding Nature. The Department, All Mortgage Lending, and all officers, owners, directors, employees, heirs and assigns of All Mortgage Lending intend to be and are legally bound by the terms of this Order.

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

41. Effectiveness. All Mortgage Lending hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

42. 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 All Mortgage Lending in the future regarding all matters not resolved by this Order.

b. All Mortgage Lending 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.

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

34. Counterparts. This Order may be executed in separate counterparts, by facsimile and by PDF.

35. 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 All Mortgage Lending, LLC 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**

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Department of Banking  
Bureau of Compliance, Investigation and Licensing

Date: 9/12/2011

**FOR ALL MORTGAGE LENDING, LLC**

\_\_\_\_\_  
(Officer Signature)

\_\_\_\_\_  
(Print Officer Name)

\_\_\_\_\_  
(Title)

Date: 8/23/11