

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

FILED

2009 JAN 20 PM 3:45

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING, BUREAU : Docket No. 080284 (ENF-ORD)
OF COMPLIANCE, INVESTIGATION : PA DEPT OF BANKING
AND LICENSING : (ENF-ORD)
v. :
COMMONWEALTH FUNDING, LLC :

FINAL ORDER

AND NOW, this 20th day of January, 2009, the Commonwealth of Pennsylvania Department of Banking (“Department”) Bureau of Compliance, Investigation and Licensing’s (the “Bureau”) unopposed Motion for Default Judgment is **GRANTED**. The facts as set forth in the Bureau’s Order dated October 17, 2008 (the “Bureau’s Order”), are deemed admitted and the Bureau’s Order is adopted by the Department as a final order under 7 Pa.C.S. Chapter 61 (relating to mortgage loan industry licensing and consumer protection) (the “Mortgage Act”)¹, pursuant to Section 6138(d) of the Mortgage Act, 7 Pa.C.S. § 6138(d).

IT IS SO ORDERED:

Bv: _____

Victoria A. Reider
Executive Deputy Secretary

¹ Chapter 3 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act was repealed and replaced by the Mortgage Act on November 5, 2008.

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DEPARTMENT OF BANKING, BUREAU
OF COMPLIANCE, INVESTIGATION
AND LICENSING

Docket No. 080284 (ENF) (ORD) DEPT OF BANKING

v.

COMMONWEALTH FUNDING, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2009, I have served a true and correct copy of the foregoing documents and all attachments thereto and/or enclosures therewith, upon the following individuals in accordance with the requirements of 1 Pa. Code § 33.31 (relating to service by agency), in the manner indicated below:

By Hand Delivery:

✓ Lauren A. Sassani
Assistant Counsel
Commonwealth of Pennsylvania
Department of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101

By First Class U.S. Mail:

Ellery Crissman, Owner
Jacqueline Hahn, Human Resources
Commonwealth Funding, LLC
325 W. Aaron Drive
State College, PA 16803

Carter D. Frantz
Chief Counsel

Counsel to the Adjudicator
Victoria A. Reider
Executive Deputy Secretary of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471

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COMMONWEALTH FUNDING, LLC

Docket No. 080284 (ENF-ORD)

ORDER

WHEREAS, the Commonwealth of Pennsylvania, Department of Banking, (the “Department”) is the Pennsylvania state governmental administrative agency authorized and empowered to administer and enforce the Mortgage Bankers and Brokers & Consumer Equity Protection Act (the “MBBCEPA”), 63 P.S. § 456.101 et seq.;

WHEREAS, the Department’s Bureau of Compliance, Investigation and Licensing (the “Bureau”) is the Bureau within the Department with the primary responsibility of administering and enforcing the MBBCEPA;

WHEREAS, Commonwealth Funding, LLC (“Commonwealth Funding”) is licensed as a First Mortgage Broker, license no. 8447, under the MBBCEPA;

WHEREAS, Commonwealth Funding has its principal place of business in Pennsylvania located at 325 W. Aaron Drive, State College, PA 16803 and licensed branch offices located at:

- a. 1000 Commerce Park Dr., Williamsport, PA 17701;
- b. 308 Orchard Ave., Altoona, PA 16602 (the “Altoona Location”);
- c. 95 Highland Ave., Bethlehem PA;
- d. 243 W. Germantown Pike, Norristown, PA 19401;
- e. 2122A Marietta Ave., Lancaster, PA 17603;

- f. 2700 W. 21st St., Erie, PA 16506; and
- g. 2737 Dillon St., Baltimore, MD 21224;

WHEREAS, Ellery Crissman is the owner of Commonwealth Funding;

WHEREAS, Jacqueline Hahn is the Director of Human Resources for Commonwealth Funding;

WHEREAS, on July 29, 2008, an examination of Commonwealth Funding commenced at the Altoona Location (the "Examination");

WHEREAS, Mr. Crissman and Ms. Hahn were to be the contacts from Commonwealth Funding should the examiner have questions or require additional information from Commonwealth Funding during the Examination;

WHEREAS, on or around July 30, 2008, the examiner began requesting (both verbally and through email) various documents and information from Ms. Hahn and Mr. Crissman needed to complete the Examination;

WHEREAS, Ms. Hahn and/or Mr. Crissman agreed to provide the examiner with the information requested;

WHEREAS, after repeated requests by the examiner, and despite the assurances from both Mr. Crissman and Ms. Hahn, Commonwealth Funding had not provided all of the documents and information requested by the examiner;

WHEREAS, on September 12, 2008, the Bureau requested that Commonwealth Funding provide documents and information to the examiner that had been requested throughout the Examination and gave a September 19, 2008, deadline for Commonwealth Funding to comply¹;

¹ The original deadline was September 17, 2008. At the request of Commonwealth Funding, the deadline was extended until September 19, 2008.

WHEREAS, on October 10, 2008 the Bureau made a final request to have Commonwealth Funding comply with the September 19, 2008 request for documents where the Bureau requested the remaining outstanding documents:

1. records for open loans for:
 - a. Jeff Lauer;
 - b. G. Meyers;
 - c. Adrian Smith;
 - d. D.F. Holdings;
 - e. Phillip Massorti; and
 - f. Harley Anderson.
2. records for paid or charged off loans for:
 - a. Luann Vincent; and
 - b. Shane Whittekker.
3. Financial statements of the following affiliated business for the owners of Commonwealth Funding:
 - a. Title Partners Plus, LLC;
 - b. Guaranteed Settlement;
 - c. Signature Settlement; and
 - d. Summit Settlement.
4. Bank statements from 2007 and 2008 of the following affiliated business for the owners of Commonwealth Funding
 - a. Title Partners Plus, LLC;
 - b. Fidelity Closing Services, LLC (2007 only);

- c. Freshwater Settlement LLC d/b/a Meritage Settlement Services;
 - d. Guaranteed Settlement;
 - e. Signature Settlement;
 - f. Summit Settlement; and
 - g. Acadia Settlement LLC.
5. Copies of partnership for the affiliated businesses:
- a. Title Partners Plus, LLC;
 - b. Guaranteed Settlement;
 - c. Signature Settlement; and
 - d. Summit Settlement.
6. Copies of lease agreements for the affiliated businesses:
- a. Title Partners Plus, LLC;
 - b. Fidelity Closing Services, LLC;
 - c. Freshwater Settlement LLC d/b/a Meritage Settlement Services;
 - d. Guaranteed Settlement;
 - e. Signature Settlement;
 - f. Summit Settlement; and
 - g. Acadia Settlement LLC.

WHEREAS, Mr. Crissman, Ms. Hahn and Commonwealth Funding have not communicated a reason for not providing the documents and information requested;

WHEREAS, Section 308(a)(4) of the MBBCEPA, 63 P.S. § 456.308(a)(4), provides, in relevant part, that all licensees shall be subject to an examination by the Department and shall provide the Department with “free access, during regular business hours, to the licensee’s place

or places of business in this Commonwealth and to all instruments, documents, accounts, books and records which pertain to a licensee's mortgage loan business, whether maintained in or outside of this Commonwealth. . .”

WHEREAS, Section 310(c)(1) of the MBBCEPA, 63 P.S. § 456.310(c)(1), provides the Department with the authority to “[e]xamine any instrument, document, account, book, record or file of a licensee or any other person, or make such other investigation as may be necessary to administer the provisions of this chapter.”

WHEREAS, Section 310(a) of the MBBCEPA, 63 P.S. § 456.310(a), grants the Department broad authority to issue orders for the enforcement of the MBBCEPA and the proper conduct of a mortgage broker;

WHEREAS, Section 313(a) of the MBBCEPA, 63 P.S. § 456.313(a)(2), grants the Department with the authority to suspend, revoke or refuse to renew any license issued pursuant to the MBBCEPA after giving 30 days' written notice if the licensee has failed to comply with or violated any provision of the MBBCEPA;

WHEREAS, Commonwealth Funding violated the MBBCEPA by failing to provide the Department with free access to its records despite repeated requests.

AND NOW THEREFORE, because Commonwealth Funding violated the MBBCEPA, the Bureau, under the authority cited above, hereby imposes the following order (the “Order”):

1. Commonwealth Funding's First Mortgage Broker's license, License No. 8447, and all branch licenses are hereby suspended upon the effective date of this Order, which means that Commonwealth Funding and its owners, officers, directors and/or employees, shall not conduct any first mortgage loan business with a Pennsylvania consumer or with a loan secured by Pennsylvania real property including, but not limited to, advertising, soliciting, negotiating,

arranging or making loans or any other conduct whatsoever that constitutes engaging in the first mortgage loan business.

2. Upon the effective date of this Order, Commonwealth Funding shall provide a list of consumers who have submitted applications to Commonwealth Funding (at the principal place and all branch locations) but whose mortgage loans have not closed. "Application" shall mean a completed Uniform Residential Loan Application (1003). The list shall include the name, address and telephone number of the consumer as well as the status of the processing of the application. This list shall be sent to the attention of:

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

This list shall comprise the pipeline for Commonwealth Funding. No additional applications may be added to the pipeline after the effective date of this Order.

3. Within thirty (30) days of the effective date of this Order, Commonwealth Funding shall have completed processing of its pipeline as provided in Paragraph 2 above. An updated list of the pipeline information shall be provided to Ryan Walsh with an updated status for each consumer's application. Commonwealth Funding shall notify Ryan Walsh immediately if it appears that the entire pipeline cannot be processed by this deadline.

4. Commonwealth Funding's First Mortgage Broker license and all branch licenses shall remain suspended until such time that the following information is provided to the satisfaction of the Bureau:

a. records for open loans for:

i. Jeff Lauer;

- ii. G. Meyers;
 - iii. Adrian Smith;
 - iv. D.F. Holdings;
 - v. Phillip Massorti; and
 - vi. Harley Anderson.
- b. records for paid or charged off loans for:
- i. Luann Vincent; and
 - ii. Shane Whittekker.
- c. Financial statements of the following affiliated business for the owners of Commonwealth Funding:
- i. Title Partners Plus, LLC;
 - ii. Guaranteed Settlement;
 - iii. Signature Settlement; and
 - iv. Summit Settlement.
- d. Bank statements from 2007 and 2008 of the following affiliated business for the owners of Commonwealth Funding
- i. Title Partners Plus, LLC;
 - ii. Fidelity Closing Services, LLC (2007 only);
 - iii. Freshwater Settlement LLC d/b/a Meritage Settlement Services;
 - iv. Guaranteed Settlement;
 - v. Signature Settlement;
 - vi. Summit Settlement; and
 - vii. Acadia Settlement LLC.

e. Copies of partnership for the affiliated businesses:

- i. Title Partners Plus, LLC;
- ii. Guaranteed Settlement;
- iii. Signature Settlement; and
- iv. Summit Settlement.

f. Copies of lease agreements for the affiliated businesses:

- i. Title Partners Plus, LLC;
- ii. Fidelity Closing Services, LLC;
- iii. Freshwater Settlement LLC d/b/a Meritage Settlement Services;
- iv. Guaranteed Settlement;
- v. Signature Settlement;
- vi. Summit Settlement; and
- vii. Acadia Settlement LLC.

5. Nothing in this Order shall prevent the Bureau from taking any further administrative action as deemed necessary.

IT IS SO ORDERED.

Ryan M. Walsh, Administrator
Department of Banking,
Bureau of Compliance, Investigation
And Licensing

October 17, 2008
(Date)

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DEPARTMENT OF BANKING

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v.

COMMONWEALTH FUNDING, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Order upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code § 33.37:

BY CERTIFIED MAIL and FIRST CLASS MAIL

Ellery Crissman, Owner
Commonwealth Funding, LLC
325 W. Aaron Drive
State College, PA 16803

Jacqueline Hahn, Human Resources
Commonwealth Funding, LLC
325 W. Aaron Drive
State College, PA 16803

Dated this 17 th day of October, 2008.

Lauren A. Sassani
Assistant Counsel
Attorney I.D. # 203016
Commonwealth of Pennsylvania
Department of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471