

FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING

2010 MAR 15 PM 12:14

PA DEPT OF BANKING

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

v.

DOCKET NO. 100082 (ENF-ORD)

A-1 MORTGAGE CORPORATION  
A-1 MORTGAGE OF FLORIDA LLC  
MARIA MAKOZY AND  
GREGORY M. MAKOZY, jointly and severally

ORDER

WHEREAS, the Department of Banking, (the "Department") is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the Mortgage Licensing Act (the "MLA"), 7 Pa. C.S. § 6101 *et seq.*, and the regulation regarding the Proper Conduct of Lending and Brokering in the Mortgage Loan Business promulgated under the MLA, 10 Pa. Code § 46.1 *et seq.*;

WHEREAS, the Bureau of Compliance, Investigation and Licensing (the "Bureau") is primarily responsible for administering and enforcing the MLA and related regulations for the Department; and

WHEREAS, Maria Makozy is the owner and President of A-1 Mortgage Corporation and as such has control over the actions of the corporation;

WHEREAS, in December 2008, A-1 Mortgage Corporation, upon application, was re-issued a mortgage broker license, number 1260, pursuant to the newly implemented Nationwide Mortgage Licensing System ("NMLS") and the new Mortgage Licensing Act;

WHEREAS, the principal place of business for the re-licensed A-1 Mortgage Corporation continued to be 1341 Old Freedom Road, Cranberry Township, PA 16066-5010;

WHEREAS, Gregory M. Makozy is the owner of the building located at 1341 Old Freedom Road, Cranberry Township, PA 16066-5010;

WHEREAS, Gregory M. Makozy and Maria Makozy are husband and wife and have been at all relevant and material times;

WHEREAS, Gregory M. Makozy and Maria Makozy maintain a Pennsylvania domicile at 401 Blackstone Lane, Mars, PA 16046-3825;

WHEREAS, Gregory M. Makozy has worked in various capacities for A-1 Mortgage Corporation, including that of marketing consultant, and, therefore maintains a degree of control over A-1 Mortgage Corporation and its website;

WHEREAS, Maria Makozy and A-1 Mortgage Corporation surrendered unconditionally A-1 Mortgage Corporation's Pennsylvania mortgage broker license by Consent Agreement and Order effective January 4, 2010;

WHEREAS, neither Maria Makozy nor Gregory M. Makozy are licensed as mortgage originators;

WHEREAS, A-1 Mortgage Corporation continues to host a website, addressed at [www.a1mortgagecorp.com/](http://www.a1mortgagecorp.com/) wherein A-1 Mortgage Corporation offers the origination of purchase money mortgages, and construction and refinance loans, through its office at 1341 Old Freedom Road, Cranberry Township, Pennsylvania;

WHEREAS, the home page of the website continues to state that A-1 Mortgage Corporation is licensed by the "Department of Banking";

WHEREAS, the website also advertises that loans are available for Florida through A-1 Mortgage of Florida LLC;

WHEREAS, the business location for A-1 Mortgage of Florida LLC is reported to be 1341 Old Freedom Road, Cranberry Township, PA, 16066 on both A-1 Mortgage Corporation's website and at the Florida Office of Financial Regulation;

WHEREAS, A-1 Mortgage Corporation is affiliated with Day One Mortgage located in Maryland;

WHEREAS, neither Maryland nor Florida has a Department of Banking, but rather each has an Office of Financial Regulation;

WHEREAS, A-1 Mortgage Corporation continues to post on its website that it is licensed by the Department of Banking which gives the incorrect impression that it is licensed by the Pennsylvania Department of Banking;

WHEREAS, A-1 Mortgage's website falsely advertises that A-1 Mortgage is licensed to engage in the mortgage broker business in Pennsylvania and that A-1 Mortgage of Florida LLC may lawfully operate out of 1341 Old Freedom Road, Cranberry Township, PA 16066;

#### AUTHORITY OF THE DEPARTMENT

WHEREAS, the Mortgage Licensing Act defines a "Mortgage broker" as "[a] person who engages in the mortgage loan business by directly or indirectly negotiating or placing mortgage loans for others in the primary market for consideration" 7 Pa.C.S. 6102;

WHEREAS, the Mortgage Licensing Act defines a "mortgage originator" as one that takes a mortgage loan application or offers or negotiates terms of a mortgage loan for compensation or gain offers or negotiations" 7 Pa.C.S. § 6102;

WHEREAS, the Mortgage Licensing Act applies to any mortgage loan which 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 and applies to any person who engages in the mortgage loan business in this Commonwealth, 7 Pa.C.S. § 6151;

WHEREAS, 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);

WHEREAS, the Mortgage Licensing Act provides that one may not advertise, cause to be advertised or otherwise solicit any statement or representation which is false, misleading or deceptive; 7 Pa.C.S. § 6123,

WHEREAS, Maria Makozy was advised in person by the Bureau and in writing through her counsel that the website must be corrected;

WHEREAS, the only correction made by A-1 Mortgage Corporation was the removal of the word "Pennsylvania" before the word "Department of Banking" whereby the website continues to give the impression that mortgages regulated by the Pennsylvania Department of Banking are still being offered and that A-1 Mortgage Corporation is authorized to make such offerings;

WHEREAS, the Mortgage Licensing Act provides the Department with the authority to sanction any person operating without a license up to \$10,000 for each offense; 7 Pa.C.S. § 6140(a);

WHEREAS, Maria Makozy, Gregory M. Makozy, A-1 Mortgage Corporation and A-1 Mortgage of Florida LLC have violated and continue to violate the Mortgage Licensing Act by advertising on a daily basis the false statement that A-1 Mortgage Corporation and A-1 Mortgage of Florida LLC can lawfully broker mortgage loans at 1341 Old Freedom Road, Cranberry Township, PA 16066 under the licensure of the Department of Banking;

AND NOW THEREFORE, the Bureau under the authority cited above, hereby imposes the following Order:

a. that A-1 Mortgage Corporation immediately remove any reference to the ability to offer, solicit or negotiate mortgage loans in Pennsylvania, specifically at 1341 Old Freedom Road, Cranberry Township, on behalf of A-1 Mortgage Corporation or any affiliated entity, including but not limited to, A-1 Mortgage of Florida LLC; and

b. that A-1 Mortgage Corporation immediately remove any reference to being licensed by the "Department of Banking;" and

c. that a fine of \$10,000 shall be imposed upon Maria Makozy, Gregory M. Makozy, A-1 Mortgage Corporation and A-1 Mortgage of Florida LLC, jointly and severally, for each day they continue to advertise on the website false, misleading or deceptive statements in violation of 7 Pa.C.S. § 6123 effective the date of this order; and

d. any other penalties authorized by the Mortgage Act which the Department determines are warranted.

IT IS SO ORDERED.

Dated: 3/15/10

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Brian Crossland  
Chief of Compliance  
Bureau of Compliance, Investigation  
and Licensing  
Department of Banking  
Commonwealth of Pennsylvania  
17 North Second St, 13<sup>th</sup> FL  
Harrisburg, PA 17101

FOR THE COMMONWEALTH OF  
PENNSYLVANIA,  
DEPARTMENT OF BANKING

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order upon the following parties, who constitute all parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §§ 33.32:

BY FIRST CLASS U.S. MAIL

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Dated this 15<sup>th</sup> day of March, 2009

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