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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

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

Docket No.:

PA DEPT OF BANKING
100139 (ENF-10)

v.

HARDEN, ANTONY COULTER
d/b/a VERITAS MORTGAGE SERVICES.

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking (the "Department"), Bureau of Compliance, Investigation and Licensing (the "Bureau") has reviewed the business practices of Harden, Antony Coulter d/b/a Veritas Mortgage Services ("Harden") and its officers, employees and directors. Based on the results of its review, the Bureau believes that Antony Harden 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 (the "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 Bureau is primarily responsible for administering and enforcing the Mortgage Licensing Act for the Department.

3. The Mortgage Licensing Act is the successor statute to Chapter 3 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act (the "MBBCEPA"), 63 P.S. § 456.301 et seq., and the Secondary Mortgage Loan Act (the "SMLA"), 7 P.S. § 6601 et seq. On November 5, 2008, Chapter 3 of the MBBCEPA and the SMLA were repealed by operation of law and replaced by the Mortgage Licensing Act.

4. Harden was licensed as a First Mortgage Broker under the MBBCEPA, License no. 13318, and as a Secondary Mortgage Broker under the SMLA, License no. 13319.

5. On August 1, 2009, Harden applied for, and was granted, a Mortgage Broker license under the Mortgage Licensing Act, with Nationwide Mortgage Licensing System and Registry Number 133364.

6. Harden's principal place of business is located at 1384 Old Freeport Road, Suite 3A, Pitsburg, PA 15238.

Loan Commitment

7. On or around January 12, 2009, the Department received a formal complaint from "Consumers").

8. The Consumers stated that they had signed a standard agreement for the sale of real estate for a property located at

9. This agreement was originally not contingent upon obtaining mortgage financing.

10. However, shortly thereafter, the sales agreement was amended and became contingent upon the Consumers obtaining a mortgage.

11. The Consumers paid a down payment to the seller, ("Seller"), who was also the listing agent for the property.

12. The Consumers stated that Seller referred them to Harden when they were unable to obtain a mortgage.

13. The Consumers met with Harden, but Harden was unable to obtain a mortgage for the Consumers.

14. The Consumers tried to cancel the sales agreement by delivering a cancellation letter to the Seller because they were unable to obtain financing.

15. The Seller refused to refund the down payment because the Seller had received a mortgage loan commitment letter from Harden.

16. To the best of the Department's knowledge Harden did not receive, dispose or retain any part of the , nor is Harden in business or collusion with

17. The lender making the mortgage commitment on the letter was Veritas Mortgage Services, which is the d/b/a for Harden.

18. The mortgage commitment letter was signed by Harden.

19. Section 6123(7) of the Mortgage Licensing Act (corresponding to Section 309(a)(5) of the MBBCEPA) provides that a mortgage broker shall not "...commit to close or close mortgage loans in its own name..." 7 Pa. C.S. § 6123(7) (corresponding to 63 P.S. § 456.309(a)(5)).

20. Harden as a mortgage broker was not authorized to issue a mortgage commitment in his own name.

21. Harden caused the Consumers harm by issuing the mortgage commitment when he was not authorized to do so.

Authority of the Department

22. 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. See 7 Pa. C.S. § 6138(a)(4) (corresponding to 63 P.S. § 456.310(a)).

23. Section 6138(a)(6) of the Mortgage Licensing Act provides the Department with the authority to order a "licensee to make restitution for actual damages to consumers caused by any violation of this chapter." 7 Pa. C.S. § 6138(a)(6)

24. 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) (corresponding to 63 P.S. § 456.314(c)).

Violations

25. Antony Harden violated Section 6123(a)(7) of the Mortgage Licensing Act by issuing a mortgage loan commitment when he was not authorized to do so.

Relief

26. Restitution. On the Effective Date of this Order, Harden agrees to pay the Consumers restitution in the amount of \$7,000. Restitution shall be payable in 10 monthly payments with the first payment being \$250 due within 30 days of the Effective Date of this Order and each subsequent payment of \$750 due 30 days thereafter until paid in full. Further, as

proof of payment, Harden shall submit to the Department a copy of the cancelled checks each month.

If Consumers receive any part of the _____ either from civil judgment, arbitration judgment, criminal restitution or personal reimbursement, Harden shall be reimbursed for that portion of the restitution that he has paid Consumers.

27. Fine. Upon the Effective Date of this Order, Harden shall pay to the Department a fine in the amount of \$500 due within 30 days of full restitution as provided in Paragraph 25. Payment shall be rendered by business check, certified check or money order made payable to the Department of Banking, and will be sent to the Attention of: Non-Depository Institutions, Bureau of Compliance, Investigation and Licensing, 17 North Second Street, Suite 1300, Harrisburg, PA 17101.

28. Corrective Action. Upon the Effective Date of this Order, Harden agrees to cease and desist from issuing mortgage commitments unless and until such time as Harden is licensed as a mortgage lender.

FURTHER PROVISIONS

29. Consent. Harden 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 therein. Harden, 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.

30. 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).

31. 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 Harden.

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

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

34. Effectiveness. Harden hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order ("Effective Date").

35. 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 Harden in the future regarding all matters not resolved by this Order.

b. Harden 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.

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

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

36. 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 Anthony Harden, 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 J. [unclear]~~
Bureau of Compliance,
Investigation and Licensing
Department of Banking

Date: 6/9/2010

FOR HARDEN, ANTONY COULTER
DBA VERITAS MORTGAGE SERVICES

(Officer Signature)

(Print Officer Name)

Owner
(Title)

Date: 06/09/2010