

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

FILED

2010 SEP -8 AM 11:55

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

v.

AYMEN ELMOBDY

PA DEPT OF BANKING
Docket No. 10 0208 (ENF-CO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Licensing Division, conducted an investigation of Aymen Elmobdy ("Mr. Elmobdy"). Based on the results of the investigation, the Bureau of Compliance, Investigation and Licensing ("Bureau") believes that Mr. Elmobdy operated in violation of 7 Pa. C.S. § 6101 et seq., the Mortgage Licensing Act. 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 Bureau is primarily responsible for administering and enforcing the Mortgage Licensing Act for the Department.

3. On November 11, 2009, Mr. Elmoby applied with the Department through the Nationwide Mortgage Licensing System and Registry ("NMLSR") for a mortgage originator license and the NMLSR assigned him the unique identifier of 211713.

4. When Mr. Elmoby applied for his mortgage originator license, he was employed and supervised by the licensed mortgage broker, Payless Mortgage Corporation ("Payless Mortgage"), with the primary business location of 838 Green Street, Suite 202, Iselin, New Jersey 08830. See 7 Pa. C.S. § 6111(a).

5. Based upon the information contained in Mr. Elmoby's application, the Bureau's Licensing Division initiated an investigation.

6. As part of its investigation, the License Division interviewed Mr. Elmoby on February 16, 2010.

7. Due to the information discovered during the Division's investigation, Mr. Elmoby voluntarily withdrew his application for a mortgage originator's license on March 24, 2009.

Unlicensed Mortgage Loan Origination

8. The investigation revealed that Mr. Elmoby originated two (2) loans in the Commonwealth of Pennsylvania during the period from May 2009 through February 16, 2010.

9. As of January 1, 2009, individuals acting as mortgage loan originators were required to be licensed as mortgage originators pursuant to Section 6111(a) of the Mortgage Licensing Act. See Section 13 of H.B. 1654 (2009).

10. Initially, Mr. Elmoby told the Department that he worked as a loan processor for Payless Mortgage and only engaged in loan processing in the state of New Jersey.

11. However, during the interview, Mr. Elmoby told the Department that since May 2009, he originated two loans in the Commonwealth of Pennsylvania for Payless Mortgage while not licensed by the Department.

12. Section 6111(a) of the Mortgage Licensing Act states “on and after the effective date of this section, 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.” 7 Pa. C.S. §6111(a).

13. By originating two mortgage loans in the Commonwealth of Pennsylvania while not licensed with the Department, Mr. Elmoby engaged in unlicensed activity as defined in the Mortgage Licensing Act.

Authority of the Department

14. 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).

15. Section 6140(a) of the Mortgage Licensing Act provides, in relevant part, that “[a] person subject to the provisions of this chapter and not licensed by the department who violates any provision of this chapter or who commits any action which would subject a license to suspension, revocation or nonrenewal under section 6139 (relating to suspension, revocation or refusal) may be fined by the department up \$10,000 for each offense.” 7 Pa. C.S. § 6140(a).

VIOLATIONS

16. Mr. Elmoby is in violation of Section § 6111(a) of the Mortgage Licensing Act because he originated mortgage loans in Pennsylvania without being licensed as a mortgage loan originator by the Department.

RELIEF

17. Fine. Mr. Elmobdy agrees to pay a fine of one thousand dollars (\$1,000) which shall be due and payable to the Department, payable in four installments of \$250. The first payment of \$250 shall be due within thirty (30) days of the Effective Date of this Order. Each subsequent payment of \$250 is due thirty (30) days thereafter until the \$1,000 fine is paid in full. The fine payments shall be remitted by certified checks or money orders 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.

18. Corrective Measures. Upon the Effective Date of the Order, Mr. Elmobdy shall not engage in the mortgage business in Pennsylvania unless and until he obtains the proper license from the Department.

FURTHER PROVISIONS

19. Consent. Mr. Elmobdy 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 he understands all of the terms and conditions contained herein. Mr. Elmobdy, 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.

20. 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).

21. 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 Mr. Elmobdy.

22. Binding Nature. The Department and Mr. Elmobdy intend to be and are legally bound by the terms of this Order.

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

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

25. 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 Mr. Elmobdy in the future regarding all matters not resolved by this Order.

b. Mr. Elmobdy 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.

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

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

28. 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 Aymen Elmobdy 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**

Jon
B, of Compliance, Investigation and Licensing
Department of Banking

Date: 9/7/10

AYME Y

Date: 8-29-10