

2. The Bureau is primarily responsible for administering and enforcing the Mortgage Licensing Act for the Department.

3. Dickson Consulting is licensed as a mortgage broker, license no. 27933 under the Mortgage Licensing Act with a Nationwide Mortgage Licensing System and Registry number of 186690.

4. Dickson Consulting maintains its principal place of business at 134 S. Highland Avenue, 3rd Floor, Pittsburgh, PA 15206.

5. On or around August 16, 2010, the Bureau commenced an examination of Dickson Consulting.

VIOLATIONS

Unlicensed Mortgage Originators

6. The Mortgage Licensing Act provides, in relevant part, that ". . . on and after the effective date of this section [November 5, 2008], no person shall engage in the mortgage loan business in this Commonwealth without being licensed as a . . . mortgage originator as provided under this chapter. A mortgage originator may not engage in the mortgage loan business unless the mortgage originator is employed and supervised by a licensed mortgage broker, mortgage lender or mortgage loan correspondent..." 7 Pa. C.S. § 6111(a).

7. The examination revealed that eight (8) mortgage loan applications were originated subsequent to November 5, 2008 by one unlicensed mortgage originator.

8. Dickson Consulting is required to directly supervise, control and maintain responsibility for the acts and omissions of the mortgage originators it employs. 7 Pa. C.S. § 6131(f)(1).

9. By failing to ensure that Dickson Consulting employed only licensed mortgage loan originators, Dickson Consulting failed to directly supervise, control and maintain responsibility for the acts and omission of the mortgage originators they employed as required by the Mortgage Licensing Act.

Consumer Disclosures

10. The examination revealed that of the eight (8) mortgage loan files reviewed, three (3) files contained no evidence that the applicants received the consumer disclosures.

11. The Proper Conduct Regulation states a licensee must disclose certain information to an applicant within three days of application and that the executed original must be obtained within ten days and retained by the licensee in the applicant's loan file. 10 Pa. Code § 46.2(b), (c) and (e).

12. Section 46.3(a) of the Proper Conduct Regulation provides that a violation of the Proper Conduct Regulation is a violation of the Mortgage Licensing Act. 10 Pa. Code § 46.3(a).

13. By failing to provide consumer disclosures as required by the Proper Conduct Regulation and the Mortgage Licensing Act, Dickson Consulting violated the Mortgage Licensing Act.

Other Violations

14. The examination revealed that Dickson Consulting did not adequately maintain records because, on two occasions, the files lacked the appraisals and Good Faith Estimates required to be maintained as part of the records of the business conducted under the license; this is a violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6135(a)(2).

15. The examination revealed that Dickson Consulting's advertisement, including business cards, did not contain language indicating that Dickson Consulting is licensed by the Department; this is a violation of the Mortgage Licensing Act, 7 Pa.C.S. § 6135(a)(5).

16. The examination revealed that Dickson Consulting's mortgage loan application forms did not disclose the mortgage originators unique identifier as required; this is a violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6121(14).

17. The examination revealed Dickson Consulting failed to provide an accurate list of its other business activities, its other trade name and its website address to the department as required by the duty to update all information contained on the application for a license; this is a violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6131(b).

18. The examination revealed Dickson's calculation for Amounts Financed, Financed Charges and Annual Percentage Rates ("APR") were inaccurately stated on the Truth-in-Lending disclosures, this is a violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6121 (3).

19. The examination revealed Dickson Consulting failed to comply with federal law by failing to provide customers with appropriate Privacy Statements in violation of the Gramm-Leach-Bliley Act ("GLBA"); this is a violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6121 (3).

20. The examination revealed that Dickson Consulting's application register did not include the disposition date or the reason for withdrawal or denial of loan applications and the failure to include this information did not enable the department to determine if the business is being conducted in accordance with the Mortgage Licensing Act and the regulations, statements of policy or orders as required by the Mortgage Licensing Act, 7 Pa. C.S. § 6135(a)(2).

Authority of the Department

21. Section 6138(a)(4) of the Mortgage Licensing Act grants the Department broad authority to issue orders for the proper conduct of the mortgage licensing business and the enforcement of the Mortgage Licensing Act. 7 Pa. C.S. § 6138(a) (4).

22. Section 6139 of the Mortgage Licensing Act provides that the Department may suspend, revoke or refuse to renew a license issued under the Mortgage Licensing Act if an owner has “[f]ailed to comply with or violated any provision of this chapter or any regulations or order promulgated or issued by the department under this chapter.” 7 Pa.C.S. § 6139(a)(2).

23. The Department may deny a license or otherwise restrict a license if it finds that an applicant has violated or failed to comply with any provisions of this chapter or any regulation, statement of policy or order of the department. 7 Pa. C.S. § 6133 (e) (3).

24. The Department may suspend, revoke or refuse to renew a license issued under the Mortgage Licensing Act if “a mortgage broker, mortgage lender or mortgage loan correspondent, conducted the mortgage loan business through an unlicensed mortgage originator.” 7 Pa. C.S. § 6139 (a) (14).

25. 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).

RELIEF

26. Fine. Dickson Consulting, LLC agrees to pay a fine of two thousand three hundred and fifty dollars (\$2,350.00) which shall be due and payable to the Department in two

installments of one thousand one hundred seventy-five dollars (\$1,175.00). The first installment shall be due and payable within thirty (30) days of the effective date of this Order as defined in paragraph 33 below, and the second installment shall be due and payable within sixty (60) days of the effective date of this Order. Payment shall be remitted by certified check or money order made payable to the Pennsylvania Department of Banking and sent to the attention of the Compliance Division, Bureau of Compliance, Investigation and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

27. Corrective Measures. Upon the effective date of this Order, Dickson Consulting LLC shall:

a) cease and desist from conducting the mortgage loan business through unlicensed mortgage originators and from failing to properly control and supervise its employees in accordance with the requirements of the Mortgage Licensing Act;

b) cease and desist from failing to provide and maintain in its records the Consumer Disclosure as prescribed by the Proper Conduct Regulation;

c) cease and desist from failing to maintain records in strict accordance with the Mortgage Licensing Act, and all related federal and state laws, regulations, policy statements, and orders, and consistent with best practices, including, but not limited to privacy statements, an application register to include disposition dates and reasons, Good Faith Estimates, and appraisals;

d) cease and desist from inaccurately calculating the Annual Percentage Rate required by the Truth-in-Lending Act;

e) cease and desists from failing to state that Dickson Consulting is licensed by the Department of Banking business cards and other forms of advertising; and

f) cease and desist from failing to include licensed originator's unique identification numbers on business cards, other forms of advertising, and on the 1003 application form.

FURTHER PROVISIONS

28. Consent. Dickson Consulting LLC, hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order issued pursuant to the Bureau's order authority under the Mortgage Licensing Act and agree that they understand all of the terms and conditions contained herein. Dickson Consulting LLC, 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.

29. 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)

30. Entire Agreement. This Order contains the whole agreement between the parties. There is 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 Dickson Consulting LLC.

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

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

33. Effectiveness. Dickson Consulting LLC hereby stipulates and agrees that the Order shall become effective on the date the Bureau executes the Order.

34. 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 Dickson Consulting LLC, in the future regarding all matters not resolved by this Order.

b) Dickson Consulting, LLC, acknowledges and agrees that this Order is only binding upon the Department and not other local, state or federal agency, department or office regarding matters within this Order.

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

36. Counterparts. This order may be executed in separate counterparts and by facsimile or electronic mail in portable document format "pdf."

37. 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 Dickson Consulting, 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**

Lucy Cortez, Enforcement Administrator
Bureau of Compliance, Investigation and Licensing
Department of Banking

Date: 12/8/10

DICKSON CONSULTING, LLC

(Officer Signature)

(Print Officer Name)

(Title)

Date: 12-8-2010