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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

PA DEPT OF BANKING

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

: Docket No.: 100145 (ENF-CO)

v. :

EC FINANCIAL, LLC . :
:

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Compliance, Investigation and Licensing ("Bureau"), has reviewed EC Financial, LLC's ("EC Financial") filings with the Department. Based on its review, the Bureau believes that EC Financial, including its officers, employees and directors, operated in violation of the Mortgage Licensing Act ("MLA"), 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 ("Order").

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the MLA.
2. The Bureau is primarily responsible for administering and enforcing the MLA for the Department.

3. EC Financial is located at 6155 Rockside Road, Suite 201, Independence, OH 44131.

4. EC Financial is currently licensed as a Mortgage Broker, license no. 22990, Nationwide Mortgage Licensing System and Registry ("NMLSR") ID# 128369, pursuant to the MLA.

Mortgage Originator Surety Bond

5. The MLA requires that all mortgage licensees, including mortgage brokers, obtain and maintain a surety bond, in a form acceptable to the Department from a surety company authorized to do business in the Commonwealth, 7 Pa. C.S. § 6131 (c)-(f).

6. The purpose of the surety bond is for "the use of the Commonwealth" and any person or consumer who is injured by the acts or omissions of the licensee's mortgage originators in the mortgage loan business, 7 Pa. C.S. § 6131 (c)-(f).

7. The Department required licensees, including EC Financial, to obtain the surety bond and provide proof of the bond to the Department by no later than November 30, 2009.

8. The Department notified EC Financial of this requirement.

9. However, EC Financial did not provide the surety bond to the Department.

10. EC Financial operated as a mortgage licensee without a surety bond in violation of Section 6131(c)-(f) of the MLA, 7 Pa. C.S. § 6131(c)-(f).

11. As a result, on March 4, 2010, the Bureau issued an Order to EC Financial, Docket No. 100036 (ENF-ORD), suspending its license and requiring it to pay a \$5,000 fine for failing to obtain the surety bond in accordance with its authority under the MLA. *See* 7 Pa. C.S. §§ 6133(f); 6139(a)(2); 6138(a)(4); 6140(b).

12. EC Financial did not appeal the Order so it became effective on April 5, 2010.

13. After the Order became effective, EC Financial contacted the Bureau and agreed to obtain the surety bond.

14. EC Financial provided proof to the Department that it obtained the surety bond, which was effective May 6, 2010.

15. Because EC Financial contacted the Bureau and obtained the surety bond, the Department has agreed to enter into this Order so that EC Financial can continue as a mortgage broker in the Commonwealth, provided that it complies with the relief set forth below.

16. The Order docketed as *Commonwealth of Pennsylvania, Bureau of Compliance, Investigation and Licensing v. EC Financial LLC*, Docket No. 100036 (ENF-ORD), is hereby withdrawn and replaced by this Consent Agreement and Order.

RELIEF

17. Fine. EC Financial agrees to pay a \$2500 fine. The fine is due in two installments of \$1,250 with the first payment due within 30 days of the Effective Date of this Order and the second payment due within 60 days of the Effective Date of this Order. Payments shall be remitted by certified check or money order made payable to the "Department of Banking" and shall be sent to the attention of the Department of Banking, Bureau of Compliance, Investigation and Licensing located at 17 North Second Street, Suite 1300, Harrisburg, Pennsylvania 17101.

18. Suspension. Upon the Effective Date of this Order, EC Financial's mortgage broker license suspension is lifted and its license reinstated. If, however, the Bureau does not receive any of the fine payments on time and in the manner set forth in Paragraph 17 of this Order, then the Bureau will automatically reinstate the license suspension.

19. Corrective Action. EC Financial agrees to comply with the licensing provisions of the MLA including, but not limited to, maintaining the surety bond required by Section 6131 of the MLA, 7 Pa. C.S. § 6131.

FURTHER PROVISIONS

20. Consent. EC Financial hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the MLA and agrees that it understands all of the terms and conditions contained therein. EC Financial, 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.

21. 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).

22. 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 EC Financial.

23. Binding Nature. The Department and EC Financial intend to be and are legally bound by the terms of this Order.

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

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

26. 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 EC Financial in the future regarding all matters not resolved by this Order.

b. EC Financial 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.

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

28. Counterparts. This Order may be executed in separate counterparts and by facsimile and by email (pdf format).

29. 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 Commonwealth of Pennsylvania, Bureau of Compliance, Investigation and Licensing and EC Financial, 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**

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

Date: June 18, 2010

FOR EC FINANCIAL, LLC

(Officer Signature)

(Print Officer Name)

CFO
(Title)

Date: 6/17/10