



business located at 1140 Hammond Dr NE, Ste 19150, Atlanta, GA 30328-8133 ("Principal Place").

Misleading Advertising

4. On or about April 15, 2010, the Department received a complaint from a Pennsylvania consumer about a solicitation (the "Solicitation") that was received in the mail.

5. The Solicitation provided that "Your home loan with Sovereign Bank has gone under review. This recent review enables you to restructure your mortgage into a new fixed mortgage with a lower monthly payment and/or additional cash out."

6. The Solicitation further provided, in relevant part, that:

As an additional bonus loans that are restructured in the month of April may not have to make a mortgage payment until July 1, 2010.

Please call 1-866-938-9551 and reference the customer number above to begin the restructure process.

7. The Solicitation's contents appeared to notify consumers of an issue with their current mortgage and they would need to call Equity Loans to begin the restructure process.

8. Section 6123(3) of the MLA provides that:

A licensee engaging in the mortgage loan business shall not: . . .

(3) Advertise, cause to be advertised or otherwise solicit whether orally, in writing, by telecast, by broadcast or in any other manner any statement or representation which is false, misleading or deceptive.

See 7 Pa. C.S. § 6123(3) (emphasis added).

9. Equity Loans violated the MLA by sending a Solicitation to Pennsylvania consumers that could be considered misleading as to its content and purpose because it appeared to be notifying the consumer of a problem with their current mortgage whereas in reality, it was a solicitation for business by Equity Loans.

10. Equity Loans claims that the violation was unintentional and has taken immediate steps to remedy the violation including, but not limited to, ceasing to engage in business with the marketing company who supplied the Solicitation.

Authority of the Department

11. Section 6138(a)(4) of the MLA grants the Department broad authority to issue orders for the enforcement of the MLA. 7 Pa. C.S. § 6138(a)(4).

12. Section 6140(b) of the MLA 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.

*See* 7 Pa. C.S. § 6140(b).

VIOLATIONS

13. Equity Loans violated Section 6123(3) of the MLA by sending a solicitation to Pennsylvania consumers that could be considered misleading as to its content and purpose. *See* 7 Pa. C.S. §§ 6123(3).

RELIEF

14. Corrective Action. Upon the Effective Date of this Order, Equity Loans will cease and desist from using any advertisement or solicitation that is misleading or deceptive.

15. Fine. Equity Loans will pay to the Department a fine in the amount of \$500 which shall be due within 30 days of the date of the Effective Date of this Order. The payment shall be made 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.

#### FURTHER PROVISIONS

16. Consent. Equity Loans 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 herein. Equity Loans, 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.

17. 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).

18. 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 Equity Loans.

19. Binding Nature. The Department and Equity Loans intend to be and are legally bound by the terms of this Order.

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

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

22. 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 Equity Loans in the future regarding all matters not resolved by this Order.

b. Equity Loans 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.

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

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

25. 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 Equity Loans, 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

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

Date: April 29, 2010

~~FOR EQUITY LOANS LLC~~

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(Officer Signature)

Print Officer Name

President  
(Title)

Date: 4/29/10