

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

FILED

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

PA DEPT OF BANKING

Docket No.: 11 0041 (ENF-ORD)

v.

MICHAEL GIELLO,
Individually

NOTICE OF RIGHT TO APPEAL AND HEARING

You, Michael Giello, have the right to appeal the attached Order of Prohibition (the "Order") within 10 days of the date of service. See 1 Pa. Code § 35.20. The date of service is the date the Order is deposited in the mail or delivered to you in person, as the case may be, as set forth in 1 Pa. Code § 33.34. If you appeal the Order, you also have a right to a hearing.

To file an appeal and request a hearing on the Order, you must file a petition with the Secretary of Banking within 10 days of the date of service. The petition must be in writing, state clearly and concisely your grounds of interest in the subject matter, the facts you rely upon, the law you rely upon, and the relief you seek. See 1 Pa. Code § 35.17. Please deliver your petition to:

Linnea Freeberg, Docket Clerk
Office of Executive Deputy Secretary
Pennsylvania Department of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101

The petition must be received by the Docket Clerk within the aforementioned 10 day deadline. If the Docket Clerk does not receive your petition on time, your right to a hearing will be waived and the Order will be deemed final.

If you choose to file a petition challenging the Order, please send an additional copy to:

Linda Carroll, Deputy Chief Counsel
Office of Chief Counsel
Pennsylvania Department of Banking
17 North Second Street, Suite 1300
Harrisburg, PA 17101

Once you file your petition appealing the Order and requesting a hearing, you will be notified of the hearing date, time, place, the person who will preside at your hearing, and any other pertinent information.

You have the right to be represented by an attorney. Corporations may be required to be represented by an attorney.

The hearing and all other procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa. C.S. §§ 501-50, 701-704, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251.

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MICHAEL GIELLO,
Individually

ORDER OF PROHIBITION

WHEREAS, the Department of Banking (“Department”) is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce, 7 Pa. C.S. § 6101 (“Mortgage Licensing Act”) et seq.; and

WHEREAS, the Bureau of Compliance, Investigation and Licensing (“Bureau”) is primarily responsible for administering and enforcing the Mortgage Licensing Act for the Department; and

WHEREAS, Provident Financial Group (“PFG”) was licensed as a first mortgage broker, license no. 5108, and as a secondary mortgage broker, license no. 13110, until it cancelled its licenses effective May 10, 2007; and

WHEREAS, Michael Giello worked as a mortgage broker and loan officer at PFG; and

WHEREAS, on September 8, 2010, Michael Giello pled guilty to aiding and abetting and felony mail fraud in violation of 18 U.S.C. §§ 1341 and 2 for acts committed in the mortgage industry during the time period PFG was licensed as a mortgage broker; and

WHEREAS, Michael Giello was sentenced to prison for a period of one year and one day and restitution for having used the United States mails in furtherance of a scheme whereby he created false documents intended to defraud lenders of the creditworthiness of borrowers and personally held second mortgages undisclosed to and kept secret from lenders to further deceive lenders and unjustly enrich himself by collecting fees for originating mortgages based on false information; and

WHEREAS, Section 6133 of the Mortgage Licensing Act would prohibit Michael Giello from being ever licensed as a mortgage originator or broker based on his conviction for a felony and a crime involving fraud and dishonesty, 7 Pa.C.S. § 6133; and

WHEREAS, the Department has the authority to “prohibit or permanently remove a person or licensee responsible for a violation of this chapter from working in the present capacity or in any other capacity of the person or licensee related to activities regulated by the department” 7 Pa. C.S. § 6138(a)(5); and

WHEREAS, Section 6138(a)(4) of the Mortgage Licensing Act grants the Department broad authority to issue orders as may be necessary for the enforcement of the Mortgage Licensing Act, 7 Pa. C.S. § 6138(a)(4); and

AND NOW THEREFORE, based upon the foregoing, the Bureau, under the authority cited above, hereby imposes the following Order.

Upon the effective date of this Order:

Michael Giello, as a natural person or as a corporation or as any other form of organization of any kind whatsoever, is hereby prohibited from working in the mortgage loan business as regulated by the Mortgage Licensing Act as a licensee, employee, independent

contractor, agent, representative, or in any other capacity of any kind whatsoever, in any way whatsoever.

IT IS ORDERED.

Date: February 28, 2011

Ryan Walsh, Administrator
Compliance Division
Department of Banking
Bureau of Compliance, Investigation and Licensing
Market Square Plaza
17 N. Second Street, Suite 1300
Harrisburg, PA 17101

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Order of Prohibition upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code § 33.31:

BY FIRST CLASS MAIL and CERTIFIED MAIL

Philadelphia CCM
2nd & Chestnut Street
7th Floor
Philadelphia, PA 19106
Attn: Michael J. Giello # 65401-066

Dated this 28th of February, 2011.

Linda Carroll
Deputy Chief Counsel
Attorney I.D. # 35868
Commonwealth of Pennsylvania
Department of Banking
17 N. Second Street, Suite 1300
Harrisburg, PA 17101-2290
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