



4. Panam Funding is licensed by the Department as a mortgage broker, Nationwide Mortgage Licensing System and Registry Identification No. 58580, Mortgage Lender License No. 27206.

5. Panam Funding's principal place of business is located at 116 East 30<sup>th</sup> Street, New York, NY 10016.

6. On August 6, 2012, an examiner from the Bureau of Examinations commenced a routine compliance examination of Panam Funding upon which the Bureau's position is based.

7. The purpose of this Order is to resolve the outstanding issues resulting from the August 6, 2012 examination.

## VIOLATIONS

### Unlicensed Mortgage Originators

8. The MLA provides, in relevant part, that "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. 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).

9. The MLA prohibits a mortgage lender from conducting mortgage loan business through an unlicensed mortgage originator. *See* 7 Pa. C.S. § 6139(a)(14).

10. The examination revealed that Panam Funding originated three (3) mortgage loans through two (2) mortgage originators who were not licensed as required by the MLA.

## AUTHORITY

11. The Department has authority to issue orders as may be necessary for the proper conduct of the mortgage loan business by licensees and the enforcement of the MLA. *See* 7 Pa. C.S. § 6138(a)(4).

12. The Department has the authority to suspend, revoke or refuse to renew a license if a licensee has failed to comply with or violated any provision of the MLA. *See* 7 Pa. C.S. § 6139(a)(2).

13. The Department may fine a licensee that commits an action which would subject it to suspension, revocation or nonrenewal under 7 Pa. C.S. § 6139 up to \$10,000 per offense. *See* 7 Pa. C.S. § 6140(b).

## RELIEF

14. Fine. Panam Funding agrees to pay to the Department a fine of seven hundred fifty dollars (\$750). The fine shall be due within thirty (30) days of the Effective Date as defined below in paragraph 21 of this Order. The fine payment shall be remitted by certified check or money order made payable to the Pennsylvania Department of Banking and sent to the attention of: Pennsylvania Department of Banking, Non-Depository Institutions, Bureau of Compliance and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

15. Corrective Action. Upon the Effective Date of this Order, Panam Funding shall ensure that all mortgage loans are originated by licensed mortgage loan originators.

## FURTHER PROVISIONS

16. Consent. Panam Funding 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. Panam

Funding, 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 Panam Funding.

19. Binding Nature. The Department and Panam Funding 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. Panam Funding hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order.

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 Panam Funding, in the future regarding all matters not resolved by this Order.

b. Panam Funding 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 and by facsimile or electronic mail in portable document format "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 Commonwealth of Pennsylvania, Department of Banking, Bureau of Compliance and Licensing and Panam Funding, Inc. intending to be legally bound, do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING, BUREAU OF  
COMPLIANCE AND LICENSING**

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John Talalai, Enforcement Administrator  
Bureau of Compliance and Licensing  
Department of Banking

Date: 10/25/12

**FOR PANAM FUNDING, INC.**

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(Officer Signature)

SALRAM KAKKAR  
(Print Officer Name)

President  
(Title)

Date: 10/17/12