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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF  
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND  
SECURITIES, COMPLIANCE OFFICE

v.

Docket No.: 18 0088 (BNK-CAO)

JAMES PATRICK ROSSITER, Individual

**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, acting through the Compliance Office of the Department of Banking and Securities ("Department"), has reviewed the practices of James Patrick Rossiter ("Rossiter") and determined that administrative enforcement action is warranted. The Compliance Office and Rossiter now seek to amicably resolve the underlying issues. Accordingly, they stipulate that the following statements are true and correct 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 Mortgage Licensing Act, 7 Pa. C.S. § 6101 *et seq.*, ("MLA").

2. The Compliance Office is primarily responsible for administering and enforcing the MLA for the Department.

3. Rossiter is licensed by the Department as a mortgage loan originator, license no. 66844, with a NMLS unique identifier of 192089.

4. Rossiter's listed address is Redacted

5. Rossiter was employed by Meridian Bank from March 25, 2013 to June 13, 2018.

6. On June 20<sup>th</sup>, 2018 Rossiter submitted a Mortgage Loan Originator license application in the Nationwide Mortgage Licensing System, ("NMLS").

7. On June 26<sup>th</sup>, 2018 the application was approved as there were no "yes" answers to the question disclosures about criminal, credit or enforcement, and termination items identified at the time of the application.

8. On or around August 14<sup>th</sup>, 2018, the Department was notified by Meridian Bank that, on several occasions, Rossiter advanced funds to applicants to represent documentation of the applicant's rental income and was terminated for fraudulent activity on June 13<sup>th</sup>, 2018.

9. On August 29<sup>th</sup>, 2018, the department contacted Rossiter to inform him he provided false information on his NMLS application and Rossiter was directed to correct and provide an explanation.

10. On August 30<sup>th</sup>, 2018, the Department Spoke to Rossiter to confirm the accuracy of his explanation of being terminated from Meridian Bank due to email usage policy, Rossiter confirmed.

11. On September 5<sup>th</sup>, 2018, the Department contacted Meridian bank to confirm the accuracy of Meridian banks' reason for terminating Rossiter.

12. Meridian Bank confirmed Rossiter was terminated due to advancing his personal funds to borrowers to help them qualify for loans that they otherwise would not.

13. On September 6<sup>th</sup>, 2018, the Department contacted Rossiter to discuss the differences in his explanation for termination compared to what Meridian Bank explained to the Department.

14. Rossiter again confirmed he was terminated due to email usage policy of Meridian Bank.

15. On September 21<sup>th</sup>, 2018, the Department received a letter from Rossiter's legal counsel explaining they do not feel Rossiter should be subject to any action by the Department based on his termination from Meridian Bank.

16. On September 28<sup>th</sup>, 2018, the Department received the same termination letter for fraud from Meridian Bank which they provided to Rossiter's legal counsel on September 20<sup>th</sup>, 2018.

17. By advancing the funds which were represented as rental income, Rossiter assisted the applicants in providing false documentation related to a loan application.

18. Providing false documentation related to a loan application is a fraudulent and unethical practice.

19. Providing false information on his Mortgage Loan Originator license application is a fraudulent and unethical act.

20. At the time that Rossiter became licensed by the Department as a mortgage loan originator, the Department was not aware that Rossiter had engaged in a fraudulent and unethical practice while at Meridian Bank.

21. At the time that Rossiter became licensed by the Department as a mortgage loan originator, the Department was not aware that Rossiter had committed a fraudulent and unethical act by providing inaccurate information on his license application.

#### **AUTHORITY**

22. The MLA at 7 Pa. C.S. § 6139(a) states, in pertinent part, as follows: "Departmental action. – The department may suspend, revoke or refuse to renew a license issued under this chapter if any fact or condition exists or is discovered which, if it had existed or had been

discovered at the time of filing the application for the license, would have warranted the department in refusing to issue the license.”

23. Section 6139(a)(3) of the MLA authorizes the Department to revoke a license if the licensee engaged in fraudulent or unethical practices of conduct. 7 P.S. § 6139(a)(3).

24. The MLA at 7 Pa. C.S. § 6138(a)(4) authorizes the Department to “issue orders as may be necessary for the proper conduct of the mortgage loan business by licensees...”

25. The MLA at 7 Pa. C.S. § 6138(a)(5) authorizes the Department 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.”

26. The MLA at 7 Pa. C.S. § 6138(a)(8) authorizes the Department to “impose such other conditions as the department deems appropriate.”

#### **RELIEF**

27. Rossiter agrees to surrender his Pennsylvania loan originator License (66844) within five days of the effective date of this order and agrees to not apply for any new Pennsylvania license for a period of one year after the date of license surrender.

28. Rossiter agrees to not work as a director, officer, partner, manager or equitable owner, an employee or independent contractor of any business regulated by the Department for a period of one year from the effective date of the Order. For purposes of the preceding, Rossiter may work for a Pennsylvania-licensed company as long as he is in a non-managerial position and he does not engage in any activity, including but not limited to loan origination, processing and underwriting, regarding transactions with Pennsylvania consumers.

## FURTHER PROVISIONS

29. Consent. Rossiter knowingly, willingly, voluntarily, and irrevocably consents to the entry of this Order pursuant to the Department's order authority under the MLA and waives any right to a hearing or appeal concerning the terms and conditions set forth in this Order.

30. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of the Department of Banking and Securities Code. 71 P.S. § 733-302.A.(5).

31. 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 of the Compliance Office and Rossiter.

32. Binding Nature. The Compliance Office and Rossiter intend to be and are legally bound by the terms of this Order.

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

34. Effectiveness. Rossiter hereby stipulates and agrees that the Order shall become effective on the date that the Order is docketed by the Department's legal office.

35. Other Enforcement Action.

- a. The Department and its Compliance Office reserve all rights, duties, and authority to enforce all statutes, rules, and regulations under the Department's jurisdiction against Rossiter in the future regarding all matters not resolved by this Order.

b. Rossiter acknowledges and agrees that this Order is binding only upon the Department and its Compliance Office and not any other local, state, or federal agency, department, or office regarding matters within this Order.

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.

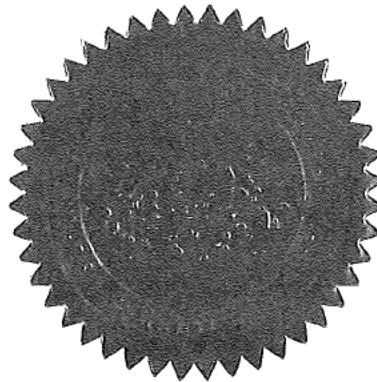
**WHEREFORE**, in consideration of the foregoing, the Compliance Office of the Department of Banking and Securities and James Patrick Rossiter do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES  
COMPLIANCE OFFICE**

Redacted

John Talalai, Administrator  
Compliance Office  
Department of Banking and Securities

Date: 10-30-2018



Redacted

James Patrick Rossiter

Date: 10-29-18