

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

2018 DEC 20 AM 8:59

PA DEPARTMENT OF
BANKING AND SECURITIES

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| COMMONWEALTH OF PENNSYLVANIA | : | |
| DEPARTMENT OF BANKING AND | : | |
| SECURITIES, COMPLIANCE OFFICE | : | |
| | : | |
| v. | : | |
| | : | |
| PA CAPITAL MORTGAGE, LLC | : | Docket No. : 18 <u>0111</u> (BNK-ORD) |
| | : | |

NOTICE OF RIGHT TO APPEAL AND HEARING

You have the right to appeal the attached Order within **30 days** of the date of the Order, as provided in 1 Pa. Code § 35.37, by filing an Answer with the Docket Clerk as set forth below. **If the Docket Clerk does not receive your Answer within 30 days, you will waive your right to a hearing and the Order will be deemed final.**

Your Answer must be in writing, specifically admitting or denying the allegations in the Order and setting forth the facts and matters of law upon which you rely. Mere general denials are inadequate to raise an issue requiring a hearing or further proceedings.

The Answer or any other document relating to this matter may be filed by personal delivery or by mailing it to the Docket Clerk at the address below:

Linnea Freeberg, Docket Clerk
Department of Banking and Securities
17 N. Second St., Ste. 1300
Harrisburg, PA 17101

Further, pursuant to 1 Pa. Code §§ 33.32-33.37, you are required to serve the Answer on counsel for the person who signed the attached Order. Such service may be accomplished by personal delivery to David Murren, Assistant Counsel, or by mailing it to him, at the above address within 30 days of the date of the attached Order.

Upon filing of an Answer, you will be notified of pertinent information such as the name of the person who will preside at the hearing pursuant to 1 Pa. Code §§ 35.185-35.190. You have the right under 1 Pa. Code § 31.22 to be represented by an attorney. All procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251.

information as the department shall require concerning the first or secondary mortgage loan business conducted by the licensee. Licensees who fail to file the required report at the date required by the department may be subject to a penalty of \$100 for each day after the due date until the report is filed.” 7 Pa.C.S. § 6135(a)(3).

6. The Department determined that each mortgage licensee was required to complete a Mortgage Call Report (“MCR”) for the third quarter of 2018 through NMLS by November 14, 2018.

7. PCM did not complete the MCR for the third quarter of 2018 by the deadline of November 14, 2018.

8. By email dated November 16, 2018, the Compliance Office notified Bryan Miller, the owner of PCM, that the MCR was past due and that PCM may incur a penalty.

9. By letter dated November 26, 2018, the Compliance Office notified Mr. Miller that the MCR has still not been received and that PCM may incur a penalty.

10. On December 6, 2018, the Compliance Office telephoned Mr. Miller to inform him that the MCR was still outstanding and that if it was not received by December 14, 2018, PCM would be issued a fine. There was no answer, so a voicemail was left with this information.

11. On December 12, 2018, the Compliance Office again telephoned Mr. Miller to notify him that the MCR would need to be completed by the end of the day on December 13, 2018. There was no answer, so a voicemail was left with this information.

12. PCM did not complete the MCR by the end of the day on December 13, 2018.

VIOLATION

13. PCM has failed to file, as determined by the Department, a report with the Department or the NMLS setting forth such information as the Department shall require

concerning the first or secondary mortgage loan business conducted by PCM. 7 Pa.C.S. § 6135(a)(3).

AUTHORITY

14. The Department has the authority to issue orders to enforce the MLA. 7 Pa.C.S. § 6138(a)(4).

15. Section 6135(a)(3) of the MLA authorizes the Department to impose a penalty of up to \$100 for each day after the due date until the MCR is filed. 7 Pa.C.S. § 6135(a)(3).

AND NOW THEREFORE, because PCM has failed to file the MCR for the third quarter of 2018, the Compliance Office, pursuant to its authority referenced above, hereby imposes the following Order:

16. Pursuant to the Department’s authority in Section 6135(a)(3) of the MLA, PCM is hereby fined \$500 (five hundred dollars), which is payable within 30 days of the date of this order.

17. An Agency Fee Invoice has been created in NMLS for this penalty. Payment shall be remitted through NMLS by either ACH or credit card.

18. PCM is ordered to complete the 2018 third quarter MCR immediately.

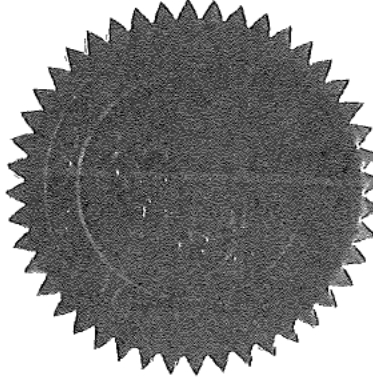
19. Failure to pay the penalty within 30 days and file the MCR may result in additional enforcement action, including, but not limited to, the suspension, revocation, or refusal to renew PCM’s license.

20. Nothing in this Order shall prevent the Compliance Office from taking any further administrative action as deemed necessary.

IT IS SO ORDERED.

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities



December 19, 2018
(Date)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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DEPARTMENT OF BANKING AND
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v.

Docket No.: 180111 (BNK-ORD)

PA CAPITAL MORTGAGE, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Order** upon the party below, which constitutes the only party of record in this proceeding, in accordance with the requirements of 1 Pa. Code § 33.31:

BY CERTIFIED AND FIRST-CLASS MAIL

PA Capital Mortgage, LLC
3755 Library Rd.
Suite 201
Pittsburgh, PA 15234

Dated this 20th day of December 2018.

Redacted

David Murren
Assistant Counsel
Attorney ID #: 323692
FOR: Commonwealth of Pennsylvania
Department of Banking and Securities
17 N. Second St., Ste. 1300
Harrisburg, PA 17101