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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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COMMONWEALTH OF PENNSYLVANIA	:	PA DEPARTMENT OF
DEPARTMENT OF BANKING AND	:	BANKING AND SECURITIES
SECURITIES, COMPLIANCE OFFICE	:	
	:	
v.	:	Docket No. 19 <u>ad8</u> (BNK-CAO)
	:	
FIRST GLENDALE MORTGAGE CORP.	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities (“Department”), Compliance Office (“Office”), has reviewed the business practices of First Glendale Mortgage Corp. (“FGM”). Based on the results of its review, the Office concludes that FGM operated in violation of the Mortgage Licensing Act (MLA), 7 Pa. C.S. § 6101 *et seq.* The parties to the above-captioned matter, in lieu of litigation, 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.
2. The Office is primarily responsible for administering and enforcing the Mortgage Licensing Act for the Department.
3. FGM is licensed as Mortgage Loan Correspondent 21360 effective on January 29, 2009.
4. FGM is licensed through the Nationwide Mortgage Licensing System, (“NMLS”) as NMLS Entity ID 127720.
5. FGM’s Principal place of business is located at 1 Raymond Drive, Suite 1, Havertown, PA 19083.

6. During the Department's review of FGM's 2018 year-end financial statements, it was brought to the Department's attention that FGM's net worth had declined to less than \$100,000.

7. Section 6131 of the Mortgage Licensing Act provides that:

"A Mortgage Loan Correspondent must establish a minimum net worth of \$100,000 at the time of application and will, at all times thereafter, maintain the minimum net worth." See 7 Pa. C.S. § 6131 (d)(2).

VIOLATION

8. Mortgage Loan Correspondent licensees operating under the provisions of the Mortgage Licensing Act are required to maintain minimum net worth of one hundred thousand dollars (\$100,000). 7 Pa. C.S. § 6131 (d)(2).

9. By having net worth of less than \$100,000 during a period when it was licensed as a Mortgage Loan Correspondent, FGM was in violation of Section 6131 of the Mortgage Licensing Act.

Authority of the Department

10. Section 6138(4) of the Mortgage Licensing Act authorizes the Department to issue orders as may be necessary for the enforcement of the Mortgage Licensing Act.

11. Section 6140(b) of the Mortgage Licensing Act authorizes the Department to issue a fine of up to \$10,000 per offense against a person who is in violation of the Mortgage Licensing Act.

RELIEF

12. Fine. FGM agrees to pay a fine of six hundred twenty-five dollars (\$625). Payment of the fine is due within thirty (30) days of the Effective Date of the Order. Payment shall be made by ACH or wire transfer, or if ACH or wire transfer is unavailable by certified check or money order made payable to the "Department of Banking and Securities" and sent to the attention of: Department of Banking and Securities, Compliance Office, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101-2290.

13. Corrective Action. FGM shall maintain a minimum net worth of \$100,000 for the entire duration of its Mortgage Loan Correspondent license.

FURTHER PROVISIONS

14. Consent. FGM hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Compliance Office's order authority under the Mortgage Licensing Act and agrees that he understands all of the terms and conditions contained herein. FGM, 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.

15. Consumer's Rights. This Order shall not limit or impair a consumer's rights under the Loan Interest and Protection Law.

16. 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).

17. 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 Compliance Office and FGM.

18. Binding Nature. The Department and FGM intend to be and are legally bound by the terms of this Order.

19. Counsel. This Order is subject to review by the Department's Legal Division but final once signed by all parties. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

20. Effectiveness. FGM hereby stipulates and agrees that the Order shall become effective on the date that the Department's Legal Division docket this Order ("Effective Date").

21. 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 FGM in the future regarding all matters not resolved by this Order.
- b. FGM 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.

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

23. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic mail in portable document format "PDF."

24. 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 and Securities, Compliance Office and First Glendale Mortgage Corp. intending to be legally bound do hereby execute this Consent Agreement and Order.

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

Redacted

James Keiser, Chief
Compliance Officer

Date: May 15, 2019

FOR FIRST GLENDALE MORTGAGE CORP.

Redacted

(Officer) Signature

ROBERT N. MILLER

(Print Officer Name)

PRESIDENT

(Title)

Date: 5/14/19

