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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING AND :
SECURITIES, COMPLIANCE OFFICE :

v.

DOCKET NO. 20 0051 (BNK-CAO)

SIWELL, INC. :

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 Siwell, Inc. Based on the results of its review, together with certain disclosures Siwell, Inc. has made to the Department, the Office believes that Siwell, Inc. operated in violation of the Mortgage Licensing Act (the “MLA”), 7 Pa. C.S. § 6101 *et seq.* The parties to the above captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter, 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 MLA.
2. The Office is primarily responsible for administering and enforcing the MLA for the Department.
3. Siwell, Inc.’s principal place of business is located at 4212 50th Street, Lubbock, TX 79413.
4. Siwell, Inc is licensed as a Mortgage Lender, license #59903, under the MLA but was not licensed as a Mortgage Servicer.
5. Siwell has applied for licensure as a Mortgage Servicer.
6. A “Mortgage servicer” is defined as “A person who engages in the mortgage loan business by directly or indirectly servicing a mortgage loan.” 7 Pa. C.S. § 6102.

7. "Service mortgage loan" is defined as "A collecting or remitting payment or the right to collect or remit payments of principal, interest, tax, insurance or other payment under a mortgage loan."

8. A person engaged in the mortgage loan business as a mortgage servicer is required to be licensed as a Mortgage Servicer. 7 Pa C S § 6111(a).

9. A mortgage lender which is only servicing mortgage loans which the mortgage lender originated, negotiated and owns is excepted from the Mortgage Servicer licensing requirement. 7 Pa. C.S. § 6111(b)(1)(ii).

Unlicensed Period

10. Act 81 of 2017, which included the requirement that a mortgage servicer be licensed, was signed into law on December 22, 2017.

11 The Mortgage Servicer licensing requirement found in Section 6111(a) of the MLA became effective April 27, 2018.

12 The Department began accepting applications for licensure as a Mortgage Servicer on April 1, 2018.

13. Although the Mortgage Servicer licensing requirement became effective on April 27, 2018, the Department provided an administrative grace period allowing unlicensed persons until June 30, 2018 to apply for a license without penalty for unlicensed activity.

14. The Department issued press releases on January 23, 2018, February 6, 2018, March 28, 2018 and June 15, 2018, through many sources including the Department's website, on NMLS, via social media platforms, and by e-mail to thousands of industry e-mail addresses including the mortgage associations and all existing mortgage licensees, informing both the general public and particularly existing mortgage servicers of the mortgage servicer licensing requirements.

15. Siwell, Inc. filed its application for licensure as a Mortgage Servicer on April 27, 2020.

16 Siwell, Inc. serviced mortgage loans which Siwell, Inc. did not negotiate or originate or did not own at the time of servicing.

17. By servicing mortgage loans which Siwell, Inc did not negotiate or originate or did not own at the time of servicing, Siwell, Inc. acted as a mortgage servicer when it was not licensed to do so.

18 Siwell, Inc. cooperated with the Department regarding the matters addressed in this Order.

Authority of the Department

19. The Department has the 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. 7 Pa. C.S. § 6138(a)(4)

20. The Department may fine a person, whether licensed or subject to the provisions of this chapter and not licensed, who violates the act or commits any action which would subject the license to suspension, revocation or nonrenewal under Section 6139 up to \$10,000 per offense 7 Pa. C.S. § 6140(a) and (b)

VIOLATION

21. Siwell, Inc violated the MLA when it engaged in the business of a mortgage servicer while not licensed as a Mortgage Servicer. 7 Pa. C.S. § 6111(a).

RELIEF

22 Fine. Siwell, Inc. agrees to pay a fine of four thousand eight hundred dollars (\$4,800) with the payment due within thirty (30) days of the Effective Date of the Order. The fine payment shall be made by ACH or wire transfer, or if ACH or wire transfer is unavailable by certified check, cashier's check, teller's check or money order made payable to the "Department of Banking and Securities" and shall be mailed, or delivered in person to the attention of Department of Banking and Securities, Compliance Office, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290.

23. Licensure. Siwell, Inc. was licensed as a Mortgage Servicer on September 24, 2020, license number 76929

FURTHER PROVISIONS

24. Consent. Siwell, Inc hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Department's order authority under the MLA and agrees that it understands all of the terms and conditions contained herein. Siwell, Inc., 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.

25. Consumer's Rights The Order shall not limit or impair a consumer's rights under the MLA

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

27 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 kinds whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Office and Siwell, Inc.

28. Binding Nature. The Department, Siwell, Inc., and all officers, owners, directors, employees, heirs and assigns of Siwell, Inc intend to be and are legally bound by the terms of this Order

29 Counsel. This Order is subject to review by the Department's Legal Division. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel

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

31. 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 Siwell, Inc. in the future regarding all matters not resolved by this Order.

b. Siwell, Inc. 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.

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

33. Counterparts This Order may be executed in separate counterparts and by facsimile or electronic format.

34 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 Department of Banking and Securities, Compliance Office, and Siwell, Inc intending to be legally bound do hereby execute this Consent Agreement and Order

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

FOR SIWELL, INC. /

Redacted

Redacted

James Heiser, Chief
~~John Talala, Administrator~~
Compliance Office
Department of Banking and Securities

(Officer Signature)

Royce Lewis
(Print Officer Name)

Date September 30, 2020

Chief Executive Officer
(Title)

Date 9/29/20

