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2021 MAR 15 AM 8:12

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.

ROBERT PINZHOFFER

Docket No. : 21_0013 (BNK-ORD)

NOTICE TO ANSWER AND REQUEST A HEARING

You, Robert Pinzhoffer, have the right to challenge the attached Order to Show Cause (“Order”) by filing an Answer, in writing, with the Docket Clerk **within 30 days** of the date of this Order as required by 1 Pa. Code § 35.37. **If you do not file an Answer within 30 days, then you will waive your right to a hearing and the Banking and Securities Commission (“Commission”) may enter a final order against you.**

Your Answer must be in writing. Your Answer must specifically admit or deny the allegations in the Order, set forth the facts you rely upon and state concisely the law you rely upon. General denials of the allegations set forth in the Order are not sufficient; you must support your denials with specific facts. Failure to support your denials with specific facts may cause the Commission to deem the facts in the Order as admitted and to enter a final order against you, without a hearing.

The Answer and any other documents must be filed via first-class mail and electronic mail with the Docket Clerk:

Linnea Freeberg, Docket Clerk
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101
Email: RA-BNDOCKETCLERK@pa.gov

Further, you must serve a copy of the Answer and any other documents on the person who signed the Order by providing a hard and electronic copy to his or her counsel indicated below:

Christopher G. Giovanis
Assistant Counsel
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101
Email: RA-BNChiefCounsel@pa.gov

Once you file your Answer, you will be notified of pertinent information such as the name of the presiding officer designated by the Commission to hear this matter and, if a hearing is scheduled, the date, time and location of the hearing. You have the right 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.

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v.

ROBERT PINZHOFFER

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ORDER

1. The Department of Banking and Securities (“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 Department’s Compliance Office is primarily responsible for administering and enforcing the MLA for the Department.

3. Robert Pinzhoffer (“Pinzhoffer”) was licensed as a mortgage broker, license no. 60576, with Nationwide Multistate Licensing System & Registry (“NMLS”) unique identifier 1240303, until December 31, 2020.

4. Pinzhoffer is a Sole Proprietorship.

5. Pinzhoffer maintains his principal place of business at 360 Central Ave., 8th Floor, St. Petersburg, FL 33701.

BACKGROUND

6. The MLA at 7 Pa. C.S. § 6135 imposes certain requirements on mortgage licensees like Pinzhoffer.

7. The MLA states in pertinent part as follows: “A mortgage broker, mortgage lender or mortgage loan correspondent, or a mortgage originator that is required to obtain and maintain its own bond coverage under section 6131(f)(4) (relating to application for license), on a date determined by the department, shall file periodically, as determined by the department, a report with the department or the Nationwide Mortgage Licensing System and Registry, as determined by the department, setting forth such 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).

8. The Department determined that each mortgage licensee was required to complete a Mortgage Call Report (“MCR”) for the third quarter of 2020 through NMLS by November 14, 2020.

9. Pinzhoffer did not complete the MCR for the third quarter of 2020 by the deadline of November 14, 2020.

10. By email dated November 17, 2020, the Compliance Office notified Mr. Pinzhoffer, that the MCR was past due and that they may incur a penalty.

11. By email dated November 23, 2020, the Compliance Office notified Mr. Pinzhoffer that the MCR has still not been received and that they may incur a penalty.

12. By email dated November 30, 2020, the Compliance Office notified Mr. Pinzhoffer that the MCR has still not been received and that they may incur a penalty.

13. On December 7, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR would need to be completed by the end of the day on December 14, 2020. There was no answer, so a voicemail was left with this information.

14. On December 8, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR would need to be completed by the end of the day on December 14, 2020. There was no answer, so a voicemail was left with this information.

15. On December 9, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR would need to be completed by the end of the day on December 14, 2020. There was no answer, so a voicemail was left with this information.

16. On December 10, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR would need to be completed by the end of the day on December 14, 2020. There was no answer, so a voicemail was left with this information.

17. On December 11, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR would need to be completed by the end of the day on December 14, 2020. There was no answer, so a voicemail was left with this information.

18. On December 14, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR would need to be completed by the end of the day. There was no answer, so a voicemail was left with this information. An email was also sent with this information.

19. Pinzhoffer did not complete the MCR by the end of the day on December 15, 2020.

20. On December 16, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR is now past due and would need to be completed immediately. There was no answer, so a voicemail was left with this information.

21. On December 18, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR is now past due and would need to be completed immediately. There was no answer, so a voicemail was left with this information.

22. On December 22, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR is now past due and would need to be completed immediately. There was no answer, so a voicemail was left with this information.

23. On December 28, 2020, the Compliance Office telephoned Mr. Pinzhoffer to notify him that the MCR is now past due and would need to be completed immediately. There was no answer, so a voicemail was left with this information.

VIOLATION

24. By not filing the MCR when it was due, Pinzhoffer violated the MLA at 7 Pa. C.S. § 6135(a)(3).

AUTHORITY

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

26. 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.

AND NOW THEREFORE, because Pinzhoffer has failed to file the MCR for the third quarter of 2020, the Compliance Office, pursuant to its authority referenced above, hereby imposes the following Order:

27. Pursuant to the Department's authority in 7 Pa. C.S. § 6135(a)(3) of the MLA, Pinzhoffer is hereby fined \$500 (five hundred dollars), which is payable within 30 days of the date of this order.

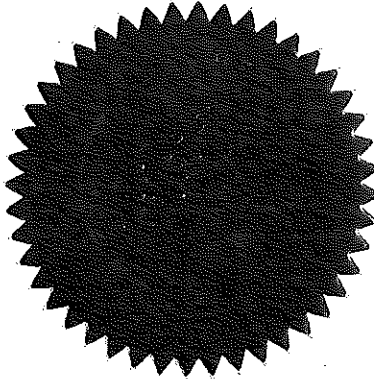
28. Failure to pay the penalty within 30 days and file the MCR may result in additional enforcement action.

29. 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



03/15/2021

(Date)

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SECURITIES, COMPLIANCE OFFICE	:	
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	:	
ROBERT PINZHOFFER	:	

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 § 33.32:

BY CERTIFIED AND FIRST CLASS MAIL

Robert Pinzhoffer
360 Central Ave.
8th Floor
St. Petersburg, FL 33701

Dated this 16th day of March 2021.

Redacted

Eileen Smith, Legal Office Administrator
Office of Chief Counsel
FOR: Commonwealth of Pennsylvania
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471