

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

FILED

2021 JUN 14 AM 8:35

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

KURANDA FINANCIAL MORTGAGE INC.

PA DEPARTMENT OF
BANKING AND SECURITIES

Docket No. 21 0041 (BNK-CAO)

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 Kuranda Financial Mortgage Inc. ("Kuranda Financial"). Based on the results of its review, the Office concludes that Kuranda Financial 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. Kuranda Financial is licensed as a Mortgage Broker number 22637 with Nationwide Multistate Licensing System Unique identifier #143283.
4. Kuranda Financial's principal place of business is located at 617 West Lancaster Ave., Wayne, PA 19807.
5. Kuranda Financial has a Billboard located in Phoenixville, PA.
6. The Billboard did not show Kuranda's NMLS unique identifier.

7. Section 6135(a)(5) of the Mortgage Licensing Act provides that: "Each licensee shall include in all advertisements the licensee's unique identifier" See 7 Pa. C.S. § 6135 (a)(5).

8. By not including the unique identifier on the Billboard Kuranda Financial was in violation of the MLA.

9. After the Department brought this matter to Kuranda Financial's attention, Kuranda Financial made arrangements to have the sign taken down.

10. Kuranda Financial cooperated with the Department regarding the matters addressed in this Order.

VIOLATION

11. Kuranda Mortgage did not include the unique identifier on the Billboard advertisement as required by the MLA, 7 Pa. C.S. § 6135(a)(5).

12. Kuranda Financial violated the MLA by not using the unique identifier for the Billboard advertisement, 7 Pa. C.S. § 6135(a)(5).

Authority of the Department

13. 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.

14. 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.

15. In all future advertisements, Kuranda Financial will include its NMLS unique identifier.

RELIEF

16. Fine. Kuranda Financial agrees to pay a fine of one thousand two hundred and fifty dollars (\$1,250). 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.

FURTHER PROVISIONS

17. Consent. Kuranda Financial 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. Kuranda Financial, 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.

18. Consumer's Rights. This Order shall not limit or impair a consumer's rights under the Mortgage Licensing Act (MLA), 7 Pa. C.S. § 6101 *et seq.*

19. 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).

20. 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 Kuranda Financial.

21. Binding Nature. The Department and Kuranda Financial intend to be and are legally bound by the terms of this Order.

22. 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.

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

24. 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 Kuranda Financial in the future regarding all matters not resolved by this Order.
- b. Kuranda Financial 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.

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

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

27. 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 Kuranda Financial Mortgage Inc. intending to be legally bound do hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH OF
PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES

Redacted

John Talalai, Administrator
Compliance Office
Department of Banking and Securities

Date: 06/11/2021



FOR KURANDA FINANCIAL
MORTGAGE INC.

Redacted

(Officer Signature)

Thomas Kuranda
(Print Officer Name)

President
(Title)

Date: 6/11/21