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2024 FEB 29 PM 2:33

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF  
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND  
SECURITIES, COMPLIANCE OFFICE

Docket No. 24 0009 (BNK-ORD)

v.

DANIEL BOYLE

**NOTICE OF RIGHT TO HEARING AND APPEAL**

You, Daniel Boyle, have the right to a hearing, upon request, within 14 days of the attached Order to Cease and Desist ("Order"). See 7 Pa. C.S. § 6138(a)(7). To request a hearing, you must submit the request in writing with the Docket Clerk as set forth below. **If the Docket Clerk does not receive your hearing request, you will waive your right to a hearing and the Order will be deemed final. Final orders of the Department may be appealed to the Pennsylvania Commonwealth Court.** See 2 Pa. C.S. § 702 and 42 Pa. C.S. § 763.

The hearing request and all other documents relating to this matter must be filed via first-class mail and electronic mail with the Docket Clerk:

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

Further, you must serve a copy of the hearing request on the person who signed the attached Order by providing a copy to their counsel set forth below:

Office of Chief Counsel  
Pennsylvania Department of Banking and Securities  
17 North Second Street, Suite 1300  
Harrisburg, Pennsylvania 17101  
Email: RA-BNChiefCounsel@pa.gov

Once you file your hearing request, you will be notified of pertinent information such as the name of the presiding officer designated by the Banking and Securities 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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**ORDER TO CEASE AND DESIST**

AND NOW, this 29th day of February 2024, the Department of Banking and Securities (“Department”), Compliance Office (“Compliance Office”), hereby Orders Daniel Boyle (“Boyle”) to immediately CEASE AND DESIST from activities in violation of the Mortgage Licensing Act, 7 Pa. C.S. § 6101 *et seq.* (“MLA”). This Order applies to the named party and any person, corporation, or company under the control of the named party. In support of this Order, the Compliance Office states the following:

**PARTIES**

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the MLA.
2. The Compliance Office is primarily responsible for administering and enforcing the MLA for the Department.
3. The Compliance Office is located at 17 North Second Street, Suite 1300, Harrisburg, Pennsylvania 17101.
4. Boyle is an individual who is engaged in the mortgage loan business in Pennsylvania.

5. Boyle operates from **Redacted**

**Redacted**

**Redacted**

and PO Box 10722, Harrisburg, PA 17105.

### **MORTGAGE LICENSING ACT**

6. Section 6111(a) of the MLA provides that “no person shall engage in the mortgage loan business in this Commonwealth without being licensed as a mortgage broker, mortgage lender, mortgage loan correspondent or mortgage originator as provided under this chapter.” 7 Pa. C.S. § 6111(a).

7. Section 6102 of the MLA defines “person” as “[a]n individual, association, joint venture or joint-stock company, partnership, limited partnership, limited partnership association, limited liability company, business corporation, nonprofit corporation or any other group of individuals, however organized.” 7 Pa. C.S. § 6102.

8. Section 6102 of the MLA defines “mortgage loan business” as “(1) advertising, causing to be advertised, soliciting, negotiating or arranging in the ordinary course of business or offering to make or making mortgage loans, or (2) servicing mortgage loans.” 7 Pa. C.S. § 6102.

9. Section 6102 of the MLA defines “mortgage loan” as “[a] first or secondary mortgage loan, or both, a lease-purchase agreement or a mortgage loan modification, as the context may require.”

10. Section 6102 of the MLA defines “first mortgage loan” as a loan “(1) made primarily for personal, family or household use; and (2) secured by any first lien mortgage, deed of trust or equivalent consensual security interest on a dwelling or on residential real estate.”

11. Section 6102 of the MLA defines “secondary mortgage loan” as a loan “(1) made primarily for personal, family or household use; and (2) secured by any secondary lien mortgage, deed of trust or equivalent consensual security interest on a dwelling or on residential real estate.”

12. Section 6102 of the MLA defines “mortgage lender” as “[a] person who engages in the mortgage loan business by directly or indirectly originating and closing mortgage loans with its own funds in the primary market for consideration.” 7 Pa. C.S. § 6102.

13. Section 6102 of the MLA defines “service mortgage loan” as “collecting or remitting payment or the right to collect or remit payments of principal, interest, tax, insurance or other payment under a mortgage loan.” 7 Pa. C.S. § 6102.

### **BACKGROUND**

14. The Compliance Office previously received information indicating that Boyle may have engaged in the mortgage loan business in Pennsylvania.

15. The Department’s records reflect that Boyle is neither registered with the Department pursuant to the MLA nor exempt from registration.

16. The Compliance Office subsequently conducted a search of Dauphin County property records, which revealed that Boyle had served as the lender in over 200 mortgages recorded in Dauphin County.

17. The Compliance Office contacted Boyle via telephone on January 17, 2024.

18. During the call, Boyle confirmed that he had made loans to individuals in Pennsylvania with his own funds that were secured by mortgages.

19. The Compliance Office informed Boyle that he was prohibited under the MLA from engaging in the mortgage loan business in Pennsylvania without first obtaining a license from the Department.

20. The Compliance Office then sent a follow-up email to Boyle on January 17, 2024, attaching the MLA and a description of the requirements in Pennsylvania for obtaining a mortgage lender license.

21. Boyle responded on January 19, 2024, by leaving a voice message with the Compliance Office.

22. Boyle stated in the voice message that he will “just have to find another way” to secure his mortgage lending to avoid a technical violation of the MLA.

23. Boyle has avoided subsequent communications from the Compliance Office.

### **VIOLATIONS**

24. Boyle has engaged in the mortgage loan business in Pennsylvania as defined in § 6102 of the MLA by soliciting, negotiating, offering to make and making mortgage loans.

25. Boyle has also engaged in the mortgage loan business in Pennsylvania as a servicer of mortgage loans as defined in § 6102 of the MLA by collecting payments of principal, interest, tax, insurance and/or other payments under mortgage loans.

26. Boyle is not and has never been licensed by the Department under the MLA or in any other manner.

27. Boyle has violated § 6111(a) of the MLA by engaging in the mortgage loan business in Pennsylvania without a license.

### **AUTHORITY**

28. Section 6138(a)(7) of the MLA authorizes the Department to “[i]ssue cease and desist orders that are effective immediately, subject to a hearing as specified in subsection (b) within 14 days of the issuance of the order.” 7 Pa. C.S. § 6138(a)(7).

### **RELIEF**

29. **AND NOW THEREFORE**, it is hereby ordered that Daniel Boyle immediately **CEASE AND DESIST** from engaging in the mortgage loan business in Pennsylvania, including but not limited to advertising, soliciting, negotiating or offering to make or making mortgage loans,

or collecting payments of principal, interest, tax, insurance or other payments under mortgage loans, until such time that Daniel Boyle is licensed under the MLA.

**WHEREFORE**, because of violations committed by Daniel Boyle of the Mortgage Licensing Act, the Commonwealth of Pennsylvania, Department of Banking and Securities, Compliance Office, under the authority cited above, hereby issues this Order to Cease and Desist.

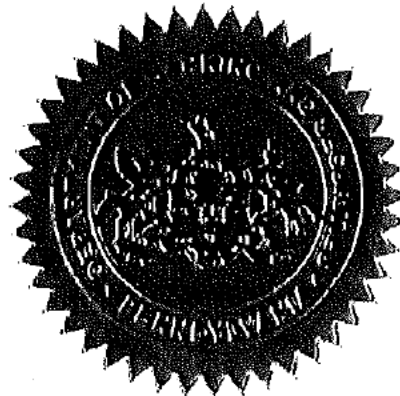
**IT IS SO ORDERED.**

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

**Redacted**

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John Talalai, Director  
Compliance Office  
Commonwealth of Pennsylvania  
Department of Banking and Securities  
17 North Second Street, Suite 1300  
Harrisburg, Pennsylvania 17101



Dated this 29 day of February 2024

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Order to Cease and Desist upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §§ 33.35, 33.36 and 33.37:

BY CERTIFIED AND FIRST-CLASS MAIL ON MARCH 5, 2024

Daniel Boyle  
Redacted

Daniel Boyle  
Redacted

Daniel Boyle  
PO Box 10722  
Harrisburg, PA 17105

BY ELECTRONIC MAIL ON FEBRUARY 29, 2024

Daniel Boyle  
Redacted

Redacted

Dated: February 29, 2024

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