

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKING

IN THE MATTER OF:)
) No. 2007-MBR-21-b
First Capital Mortgage Corporation, et al.)
License No. MB.0005585)
600 W. Chicago Avenue, Suite 730)
Chicago, IL 60610)

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois (the “Department”) and First Capital Mortgage Corporation (“First Capital”) and Christopher Agepog (“Agepog”) hereby enter into this Consent Order (the “Consent Order”) and stipulate, admit and agree to the following:

STIPULATIONS AND ADMISSIONS

The Department issued Orders No. 2007-MBR-21 (the “First Order”) and No. 2007-LO-CD-04 (the “Second Order”) assessing a fine to First Capital, and cease and desist with fine to Agepog. First Capital and Agepog submitted a timely request for hearing on the First Order and Second Order, and the administrative hearing process was commenced, and all regulatory matters between the Department and First Capital and Agepog arising with and subsequent to the First Order and Second Order are addressed in this Consent Order No. 2007-MBR-21-b (the “Consent Order”). The Department, First Capital, and Agepog stipulate that the Department accepted payment of \$3,750 from First Capital by check dated 9/4/2008 in settlement of all claims, without admissions, in connection with the First Order and Second Order. The Department and First Capital

further stipulate that First Capital desires to surrender its Illinois residential mortgage license number MB.0005585 (the "License"), that the Department opened an investigation in Case No. 2008-1608 resulting in findings, and of those findings First Capital admits to having committed clerical errors involving consumer notices for two loan files and to having mistakenly employed two loan originators while proper transfer of registration had not yet occurred with the Department.

TERMS AND CONDITIONS

WHEREFORE, the Department, and First Capital and Agepog, agree as follows:

- I. The First Order shall be amended to reflect a reduction in fine from seventy-five hundred dollars (\$7,500) to three thousand seven hundred and fifty dollars (\$3,750), and the fine shall be removed from the Second Order and the Department acknowledges receipt of this amended full fine payment by First Capital;
- II. First Capital agrees to pay an additional amount in fine equivalent to the amount of rebated licensing fees to be refunded to First Capital and that will be forthcoming as a result of *Illinois Credit Union League, et al. v. Ginger L. Ostro, et al.*, Case No. 04-CH-654 in the Circuit Court of the Seventh Judicial Circuit, Sangamon County, Illinois ("Sweep Case"). First Capital agrees to tender its payment of this fine amount to the Department within 15 days of the date said refund is received.
- III. The Department agrees to process and surrender First Capital's License in good standing upon receiving from First Capital a complete and proper surrender application in compliance with the Department's surrender

guidelines procedure and payment of its fine as provided in Section II. If First Capital fails to complete the terms of Sections II and III, then the Department may take any disciplinary action with regards to the License as authorized by the Act and Rules.

- IV. First Capital and Agepog agree to dismiss their petitions for hearing and administrative review of the First Order and Second Order and waive any right to re-file their petitions, or file any petition or other appeal of the First Order, Second Order, or of this Consent Order. First Capital and Agepog acknowledge that they have been represented by legal counsel in negotiating this Consent Order, and that they willingly enter into this Consent Order, upon advice of counsel, and after full review, evaluation, and consideration and with full knowledge of their rights under the Act, and Illinois Administrative Procedure Act.
- V. The Department enters into the Consent Order for the purpose of imposing measures that are fair and equitable in the circumstances and that are consistent with the best interests of the people of the State of Illinois.
- VI. The Consent Order shall become effective upon all the parties hereinafter designated signing and dating the Consent Order and on the date that the last of those designated for the Department sign and date the Consent Order.

The foregoing Consent Order is approved in full.

_____ date: _____
Michael Goldhirsh

First Capital Mortgage Corporation

_____ date: _____
Christopher Agepog

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
MICHAEL T. MCRAITH, ACTING SECRETARY

DIVISION OF BANKING

_____ date: JUNE 2, 2009
JORGE A. SOLIS, Director