

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
)
) No. 2008-MBR-113-b
RUSH FINANCIAL, INC.)
)
 License No. MB.6760059)
)
 ATTN: Nasser Yassin)
)
 One Tower Lane, Suite 1700)
)
 Oakbrook Terrace, IL 60181)

ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking, (the “Department”), having conducted an examination of licensable activities performed by Rush Financial, Inc. (the “Licensee”), and having found that the Licensee committed violations of the Residential Mortgage License Act of 1987 (the “Act”) [205 ILCS 635], and of the rules promulgated under the Act (the “Rules”) [38 Ill. Adm. Code 1050], hereby issues this ORDER pursuant to the authority provided under Section 4-5 (h)(5) of the Act. The Department makes the following:

FINDINGS

1. That Rush Financial, Inc. is an Illinois residential mortgage licensee holding license No. MB.6760059 (the “License”) and located at One Tower Lane, Suite 1700, Oakbrook Terrace, Illinois 60181;
2. That on November 26, 2007, the Department conducted an examination of Licensee for the exam period 5/3/2006 to 10/31/2007 and the examiner found violations of the Act and Rules and cited in the Report of Examination (ROE) as follows:
 - a. Annual Audit & Net Worth – Licensee submitted an audited financial statement for the period ending 3/29/2006, and a compilation financial statement for the period starting 12/15/2006 resulting in nine month gap during which the Licensee originated and closed 27 loans, and the compilation financial statement commencing 12/15/2006 failed to account for additional loan revenues from operations per Licensee’ loan log, as well as other related findings in the ROE (violation of Sections 3-2 and 3-5 of the Act);
 - b. Loan Brokerage Agreements did not contain Loan originator’s registration number (violation of Section 1050.1010 of the Rules);
 - c. Licensee’s website failed to disclose the License number, the words “Illinois Residential Mortgage Licensee” and required Department information (violations of Section 2-9 of the Act and Section 1050.940 of the Rules);
 - d. Borrower Information Documents need to be corrected to refer to current Department information (violation of Section 1050.1110 of the Rules);

- e. Compliance with Other Laws – Licensee disclosed Yield Spread Premiums on two initial Good Faith Estimates in a percentage and did not disclose the corresponding dollar amount, further Licensee failed to maintain the following documents in loan files cited in the ROE: Request for Transcript of Tax Return in four loan files, Notice of Approval Letter in six loan files, Final Truth-in-Lending Disclosure in three loan files, and Pre-Payment Penalty Exists Disclosure in two files (violation of Section 1050.1175 of the Rules);
 - f. Licensee failed to provide required employer responsibility statements in employment agreements (violation of Act Section 1-4(d)(3) and Rules Section 1050.110);
3. That on May 14, 2008, the Department invoiced Licensee an examination fee of \$2,040 and a review of Department records show this fee as remaining unpaid,
 4. That on July 22, 2008, the Department’s Examination Section sent the ROE to Licensee by U.S. first class mail service with a due date of August 13, 2008 for the Licensee to submit its written response to the examination findings back to the Department; and
 5. That the Licensee failed to submit a response by the due date, and that the Examination Section referred the matter to the Legal Section for enforcement action.

CONCLUSIONS

BASED UPON THE ABOVE FINDINGS, THE DEPARTMENT IS OF THE OPINION AND CONCLUDES:

Notwithstanding notices and other efforts by the Department, Licensee is in violation of Act Sections 1-4, 3-2, and 3-5 and Rules Sections 1050.110, 1050.940, 1050.1010, 1050.1110, and 1050.1175, and is in further violation of Act Sections 4-5(i) (11), (13), and (17).

ORDER

NOW THEREFORE IT IS ORDERED:

1. That RUSH FINANCIAL, INC., License No. MB.6760059, shall be and hereby is assessed a fine in the amount of \$10,000;
2. The fine in the amount of \$10,000 shall be due thirty (30) days after the effective date of this Order upon RUSH FINANCIAL, INC.; and
3. The fine in the amount of \$10,000 shall be paid by means of a certified check or money order made payable to the:

**Department of Financial and Professional Regulation
Division of Banking
ATTN: MORTGAGE BANKING LEGAL
122 S. Michigan Avenue, Suite 1900
Chicago, IL 60603**

ORDERED THIS 22ND DAY OF OCTOBER, 2008

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DEAN MARTINEZ, SECRETARY

DIVISION OF BANKING

JORGE A. SOLIS, DIRECTOR

You are hereby notified that this Order is an administrative decision. Pursuant to 205 ILCS 635/4-12 and 38 Ill. Adm. Code, 1050.1510 *et seq.* any party may file a request for a hearing on an administrative decision. The request for a hearing shall be filed within 10 days after the receipt of an administrative decision and, if so requested, a hearing shall be held on the administrative decision, by the Department of Financial and Professional Regulation, Division of Banking. Absent a request for a hearing, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*].