



4. That on or around December 1, 2009, Lend America ceased its loan origination activities, terminated most of its employees, and transitioned to winding down its operations, and in consequence failed to comply with requirements of the Act and Rules, and including, but not limited to, its loan funding, disbursement, and other commitments to Illinois consumers/borrowers and others;
5. That commencing on or around October 20, 2009 and continuing, the Department communicated and participated with other state residential mortgage regulators in reviewing Lend America's activities as it pertained to shared regulator issues of consumer protection and compliance in the various states; certain of these states, including New York, Connecticut, New Jersey, and Pennsylvania, have now taken licensing actions to cease and desist and otherwise discipline and seek the revocation of Lend America's licenses for violations of their applicable laws and regulations;
6. That on or around December 18, 2009 and as part of its continuing review of Lend America's activities, the Department reviewed and identified in multi-state regulators' reports sixteen (16) loan applications for Illinois residential real properties as verified as unfunded by Lend America and twenty-five (25) loan applications for Illinois residential real properties as closed by Lend America, but for which there is no record of disbursement from the warehouse funding line. Both reports provide evidence that Lend America has failed to honor funding and disbursement commitments and providing the Department with reasonable cause that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur; and
7. That the Department has determined that Lend America has failed to comply with the Act and Rules through: a) failing to notify the Department within two days of proceedings affecting a license (violation of Rules Section 1050.470), failing to provide ten-day advance written notice to the Department prior to ceasing loan origination activities (violation of Rules Section 1050.475), failing to maintain documentation of surety and fidelity bond coverage (violation of Act Section 3-1, and Rules Section 1050.490), avoiding loan commitments (violation of Rules Section 1050.1315), delaying the issuing of a payoff statement to an Illinois consumer which is the subject of an open consumer complaint (case no. 2009-1984; violation of Rules Section 1050.860), and failing to notify the Department within ten (10) days of termination of Illinois registered loan originators (violation of Rules Section 1050.2125(b)(3)).

## **CONCLUSIONS**

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

That notwithstanding notices and other efforts by the Department, Licensee is in violation of its averments in Act Section 2-4 and in violation of Act Sections 3-1 and 4-1, and in violation of Sections 1050.470, 1050.475, 1050.490, 1050.860, 1050.1315, 1050.1350, and 1050.2125 of the Rules, and is in further violation of Sections 4-5(i)(2),(7),(9), (11), and (17) of the Act.

**ORDER**

NOW THEREFORE IT IS HEREBY ORDERED that the license of LEND AMERICA, License No. MB.6759907 is revoked by Order of the Department pursuant to Section 4-5(h)(1) of the Act, and is fined \$25,000 for failure to comply with the provisions cited herein of the Act and Rules, effective ten days after receipt of this Order, unless you request a hearing pursuant to the RMLA and Subpart N of the Rules, including remitting the hearing fee required by Section 1050.210 of the Rules.

ORDERED THIS 31<sup>ST</sup> DAY OF DECEMBER, 2009

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
BRENT E. ADAMS, SECRETARY

DIVISION OF BANKING

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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.*].**