

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
)
) No. 2013-CD2
INNOVA MORTGAGE CORPORATION)
2525 Cabot Drive)
Suite 300)
Lisle, IL 60532)

**ORDER TO CEASE AND DESIST
FROM UNLAWFUL RESIDENTIAL MORTGAGE ACTIVITIES & ASSESSING FINE**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (“Department”), having conducted an investigation of INNOVA MORTGAGE CORPORATION with its office at 2525 Cabot Drive, Suite 300, Lisle, IL 60532, and also using mailing address of 500 N. Michigan, Chicago, IL 60611 (“Innova”) and found violations of the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635] , hereby issues this ORDER TO CEASE AND DESIST FROM UNLAWFUL RESIDENTIAL MORTGAGE ACTIVITIES AND ASSESSING FINE.

STATUTORY PROVISIONS

1. Section 1-3(a) of the Act provides that no person, partnership, association, corporation, or other entity shall engage in the business of brokering, funding, originating, servicing or purchasing of residential mortgage loans without first obtaining a license from the Secretary of the Department (“Secretary”).
2. Section 1-3(b) of the Act provides that no person, partnership, association, corporation, or other entity except a licensee under the Act or an entity exempt from licensure shall do any business under any name or title, or circulate or use any advertising or make any representation or give any information to any person, which indicates or reasonably implies activity within the scope of the Act.
3. Section 1-3(d-1) of the Act provides the Secretary with the authority to issue orders against any person if the Secretary has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Secretary, or for the purposes of administering the provisions of this Act and any rule adopted in accordance with this Act.
4. Section 1-3(e) of the Act provides that any person, partnership, association, corporation or other entity who violates any provision of this Section commits a business offense shall be fined an amount not to exceed \$25,000.

FACTUAL FINDINGS

5. On August 29, 2012, the Department received a complaint alleging that an unlicensed entity Innova, and through named individuals, engaged in licensable activities without an Illinois Residential Mortgage License. The Department's records confirmed that Innova had never filed an application with or been issued a license by the Department to conduct activities subject to the Act.
6. The assigned investigator ("Investigator") conducted a site visit on September 19, 2012 of Innova's offices at 2525 Cabot Drive, Suite 300, Lisle, Illinois ("Office"). During this site visit, the Investigator observed signage for Innova in the publicly accessible building directory, third floor hallway, and outside the entrance to Suite 300. During this site visit, the Investigator interviewed Bart Daley ("Daley") who told the Investigator that Innova was a Florida corporation owned by Daley that had been operating from the Office since June 2012. The Investigator obtained evidence that Innova had entered into a 3-year lease for the Office. During the investigation, it was also found that Innova letterhead or stationery had been created for communications or notices to consumers, and in one instance, the language "Illinois Residential Mortgage Licensee" had been added.

LEGAL CONCLUSIONS

BASED UPON THE ABOVE FACTUAL FINDINGS, THE DEPARTMENT CONCLUDES:

7. INNOVA MORTGAGE CORPORATION is in violation of Sections 1-3(a) & (b) of the Act.

NOW IT IS HEREBY ORDERED THAT:

1. INNOVA MORTGAGE CORPORATION, and by and through its principals and agents, shall CEASE AND DESIST from holding itself out as licensed to conduct residential mortgage broker activities in the State of Illinois and from engaging in any licensable activities pursuant to 1-3(d-1) of the Act.
2. INNOVA MORTGAGE CORPORATION is assessed and shall pay a fine in the amount of \$25,000 pursuant to Section 1-3(e) of the Act. The fine is payable by certified check or money order within thirty (30) days of the effective date of this Order to the:

**Department of Financial and Professional Regulation
Division of Banking
Attention: FISCAL DIVISION
320 W. Washington, 5th Floor
Springfield, Illinois 62786.**

ORDERED THIS 6TH DAY OF NOVEMBER, 2013

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
MANUEL FLORES, ACTING SECRETARY

DIVISION OF BANKING

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 and \$500 hearing fee by certified check or money order shall be filed with the Department at 320 West Washington Street, 5th Floor, Springfield, IL 62786 within 10 days after the receipt of an administrative decision. The request for hearing must include an explicit admission, denial, or appropriate response to each allegation or issue contained in the administrative decision pursuant to 38 Ill. Adm. Code 1050.1570. 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].