

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
)
) No. 2013-MBR-16
PRESTIGE FINANCIAL CORP.)
D/B/A INTERTRUSTBANC MORTGAGE COMPANY)
License No. MB.6760757)
Attention: Chris Gnutek)
2001 Butterfield Road, Suite 380)
Downers Grove, IL 60515)

ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (“Department”), having conducted a review of data entry practices by Prestige Financial Corp. D/B/A InterTrustBanc Mortgage Company (“Licensee” or “Prestige Financial”) into the Anti-Predatory Lending Database (“APLD”) and documented violations of the Residential Mortgage License Act of 1987 (“RMLA”) [205 ILCS 635], the rules promulgated under the Act (“RMLA Rules”) [38 Ill. Adm. Code 1050], and the Residential Real Property Disclosure Act (“RRPDA”) [765 ILCS 77], hereby issues this Order pursuant to the authority provided under Section 4-5(h)(5) of RMLA.

STATUTORY PROVISIONS

1. Section 2-4 of RMLA requires applicants to make certain averments to the Department, of which failure to fulfill the obligations of an averment shall subject the licensee to penalty, including the requirement to comply with the provisions of RMLA, or with any lawful order, rule or regulation made or issued under the provisions of RMLA.
2. Section 4-1(h-1) of RMLA grants the Department 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 purpose of administering the provisions of RMLA and any rule adopted in accordance with RMLA.
3. Section 4-5(h)(5) of RMLA states, in part, the Secretary may enter an order imposing a fine not to exceed \$25,000 for each count of separate offense upon a finding that there has been a violation of the grounds set forth in subsection (i).
4. Section 4-5(i) of RMLA sets forth acts that constitute grounds for which the disciplinary action specified in subsection (h) above may be taken against a licensee, including in subsection (11) failure to comply with any Department order or rule made or issued under the provisions of RMLA; and in subsection (18) failure to comply with or violation of any provision of Article 3 of the RRPDA.

5. Section 1050.1140 of the Rules states that loan application procedures shall comply with RMLA and applicable Federal and State law and regulations, including, but not limited to, the Consumer Credit Protection Act (15 USC 1601 et seq.), including Title VII (Equal Credit Opportunity Act) and Title I (Truth in Lending Act) of that Act, and the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505].
6. Section 70(c) of the RRPDA requires a mortgage broker or loan originator to submit to the APLD all of the information required in RRPDA Section 72, and any other information required by the Department by rule, for any mortgage on residential property within the program area.
7. Section 72 of the RRPDA, in relevant part, requires a mortgage broker or loan originator to submit for inclusion in the APLD for each loan for which the originator takes an application, the borrower's income and expense information, including total monthly consumer debt, contained in the mortgage application.

FACTUAL FINDINGS

8. Prestige Financial, with its licensed and principal place of business of record located at 2001 Butterfield Road, Downers Grove, Illinois 60515, is a residential mortgage broker holding active Illinois residential mortgage license number MB.6760757 with an expiration date of 12/31/2013.
9. On August 11, 2011, the Department posted a notice titled "Accurate Entry in the APLD" on its website, which stated that the APLD Program "requires that all information entered in the database be true, correct and accurate." It further stated that "It is not acceptable to enter a nominal amount such as \$1.00 as borrower income."
10. Prestige Financial entered loans into the APLD in the First Quarter (December 1, 2011 – February 29, 2012), Second Quarter (March 3, 2012 – May 31, 2012) and Fourth Quarter (September 1, 2012 – November 30, 2012).
11. In April and December 2012, the Department initiated a review of APLD data entry practices with regard to the accuracy of data entered in the aforementioned Quarters.
12. The Department sent a letter dated April 13, 2012 to Prestige Financial, which specifically addressed inaccurate APLD data entry practices and warned that "Henceforth, fines will be imposed for clearly inaccurate data entry." The Department also sent a follow-up letter dated April 24, 2012 in response to questions from licensees regarding the April 13 letter and reiterated that "if a nominal figure such as \$1.00 or \$2.00 is entered, such a figure cannot be accurate under any circumstances and disciplinary action will result."
13. The Department found that the Licensee entered inaccurate information in the "Borrower's Income" field in violation of Illinois law for 118 loans entered into the APLD during the aforementioned Quarters. Furthermore, the Licensee entered inaccurate income or initial monthly payment information resulting in a High Payment to Income Ratio for 3 loans entered into the APLD during the same period.
14. The inaccurate APLD entries were made for the following loan application numbers on the respective entry dates:

	LOAN APPLICATION ID	ENTRY DATE	VIOLATION
1.	295393	12/12/11	Inaccurate Income Entry
2.	296643	12/15/11	Inaccurate Income Entry
3.	297587	12/20/11	High Payment to Income Ratio
4.	301379	1/6/12	High Payment to Income Ratio
5.	320422	3/8/12	Inaccurate Income Entry
6.	329518	4/10/12	Inaccurate Income Entry
7.	332807	4/20/12	Inaccurate Income Entry
8.	332912	4/20/12	Inaccurate Income Entry
9.	333130	4/23/12	Inaccurate Income Entry
10.	333348	4/23/12	Inaccurate Income Entry
11.	341439	5/17/12	Inaccurate Income Entry
12.	343940	5/24/12	Inaccurate Income Entry
13.	344684	5/25/12	Inaccurate Income Entry
14.	345204	5/29/12	Inaccurate Income Entry
15.	345240	5/29/12	Inaccurate Income Entry
16.	345684	5/30/12	High Payment to Income Ratio
17.	345777	5/30/12	Inaccurate Income Entry
18.	348472	6/6/12	Inaccurate Income Entry
19.	348924	6/7/12	Inaccurate Income Entry
20.	350471	6/12/13	Inaccurate Income Entry
21.	351662	6/14/12	Inaccurate Income Entry
22.	351992	6/14/12	Inaccurate Income Entry
23.	354658	6/20/12	Inaccurate Income Entry
24.	355895	6/22/12	Inaccurate Income Entry
25.	355199	6/21/12	Inaccurate Income Entry
26.	356705	6/26/12	Inaccurate Income Entry
27.	356736	6/26/12	Inaccurate Income Entry
28.	356777	6/26/12	Inaccurate Income Entry
29.	357688	6/27/12	Inaccurate Income Entry
30.	358062	6/28/12	Inaccurate Income Entry
31.	359367	7/2/12	Inaccurate Income Entry
32.	359288	7/2/12	Inaccurate Income Entry
33.	359840	7/3/12	Inaccurate Income Entry
34.	360202	7/5/12	Inaccurate Income Entry
35.	360406	7/5/12	Inaccurate Income Entry
36.	360564	7/6/12	Inaccurate Income Entry
37.	360788	7/6/12	Inaccurate Income Entry
38.	361192	7/10/12	Inaccurate Income Entry
39.	361890	7/10/12	Inaccurate Income Entry
40.	362116	7/11/12	Inaccurate Income Entry
41.	362192	7/11/12	Inaccurate Income Entry

	LOAN APPLICATION ID	ENTRY DATE	VIOLATION
42.	362415	7/11/12	Inaccurate Income Entry
43.	363766	7/16/12	Inaccurate Income Entry
44.	363926	7/16/12	Inaccurate Income Entry
45.	364877	7/18/12	Inaccurate Income Entry
46.	366453	7/21/12	Inaccurate Income Entry
47.	368055	7/25/12	Inaccurate Income Entry
48.	370100	7/30/12	Inaccurate Income Entry
49.	370266	7/30/12	Inaccurate Income Entry
50.	370669	7/31/12	Inaccurate Income Entry
51.	373175	8/6/12	Inaccurate Income Entry
52.	376877	8/14/12	Inaccurate Income Entry
53.	377129	8/15/12	Inaccurate Income Entry
54.	377175	8/15/12	Inaccurate Income Entry
55.	378396	8/17/12	Inaccurate Income Entry
56.	379507	8/21/12	Inaccurate Income Entry
57.	380165	8/22/12	Inaccurate Income Entry
58.	380797	8/23/12	Inaccurate Income Entry
59.	381099	8/24/12	Inaccurate Income Entry
60.	383148	8/29/12	Inaccurate Income Entry
61.	383200	8/29/12	Inaccurate Income Entry
62.	383281	8/29/12	Inaccurate Income Entry
63.	383308	8/29/12	Inaccurate Income Entry
64.	383605	8/30/12	Inaccurate Income Entry
65.	383825	8/30/12	Inaccurate Income Entry
66.	383943	8/30/12	Inaccurate Income Entry
67.	384636	9/4/12	Inaccurate Income Entry
68.	385229	9/5/12	Inaccurate Income Entry
69.	385304	9/5/12	Inaccurate Income Entry
70.	385553	9/5/12	Inaccurate Income Entry
71.	386095	9/6/12	Inaccurate Income Entry
72.	386375	9/7/12	Inaccurate Income Entry
73.	387085	9/10/12	Inaccurate Income Entry
74.	387331	9/11/12	Inaccurate Income Entry
75.	387576	9/11/12	Inaccurate Income Entry
76.	388672	9/13/12	Inaccurate Income Entry
77.	388754	9/13/12	Inaccurate Income Entry
78.	390097	9/18/12	Inaccurate Income Entry
79.	390763	9/19/12	Inaccurate Income Entry
80.	391368	9/20/12	Inaccurate Income Entry
81.	392158	9/21/12	Inaccurate Income Entry
82.	392527	9/24/12	Inaccurate Income Entry
83.	394483	9/27/12	Inaccurate Income Entry
84.	394558	9/27/12	Inaccurate Income Entry
85.	394653	9/27/12	Inaccurate Income Entry

	LOAN APPLICATION ID	ENTRY DATE	VIOLATION
86.	394856	9/28/12	Inaccurate Income Entry
87.	394905	9/28/12	Inaccurate Income Entry
88.	395144	9/28/12	Inaccurate Income Entry
89.	396233	10/2/12	Inaccurate Income Entry
90.	396400	10/2/012	Inaccurate Income Entry
91.	398744	10/8/12	Inaccurate Income Entry
92.	398866	10/8/12	Inaccurate Income Entry
93.	399454	10/9/12	Inaccurate Income Entry
94.	399868	10/10/12	Inaccurate Income Entry
95.	400350	10/11/12	Inaccurate Income Entry
96.	400686	10/11/12	Inaccurate Income Entry
97.	402145	10/15/12	Inaccurate Income Entry
98.	402391	10/16/12	Inaccurate Income Entry
99.	403599	10/18/12	Inaccurate Income Entry
100.	403662	10/18/12	Inaccurate Income Entry
101.	406358	10/24/12	Inaccurate Income Entry
102.	406460	10/24/12	Inaccurate Income Entry
103.	407207	10/26/12	Inaccurate Income Entry
104.	407318	10/26/12	Inaccurate Income Entry
105.	407487	10/26/12	Inaccurate Income Entry
106.	409368	10/31/12	Inaccurate Income Entry
107.	410316	11/2/12	Inaccurate Income Entry
108.	411178	11/5/12	Inaccurate Income Entry
119.	411775	11/6/12	Inaccurate Income Entry
110.	412034	11/7/12	Inaccurate Income Entry
111.	412749	11/8/12	Inaccurate Income Entry
112.	412987	11/8/12	Inaccurate Income Entry
113.	413252	11/9/12	Inaccurate Income Entry
114.	413799	11/12/13	Inaccurate Income Entry
115.	415076	11/14/12	Inaccurate Income Entry
116.	415272	11/14/12	Inaccurate Income Entry
117.	416037	11/15/12	Inaccurate Income Entry
118.	417125	11/19/12	Inaccurate Income Entry
119.	420128	11/28/12	Inaccurate Income Entry
120.	420775	11/29/12	Inaccurate Income Entry
121.	421522	11/30/12	Inaccurate Income Entry

LEGAL CONCLUSIONS

15. The Licensee has violated RMLA Sections 2-4 and 4-5(i)(11) & (18), Rules Section 1050.1140, and RRPDA Sections 70(c) and 72.

NOW IT IS HEREBY ORDERED THAT,

1. The Department assesses a **FINE** against Licensee in the amount of \$121,000 (121 violations at \$1,000) pursuant to RMLA Sections 4-1(h-1) and 4-5(h)(5) for the violations cited herein. 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 14TH DAY OF FEBRUARY, 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].