

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:

AMERICA ONE ACCEPTANCE CORPORATION

Attention: Scott C. Michaels

210 E. Station Street, Suite 1

Barrington, IL 60010

License No. MB.6760545

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No. 2014-MBR-05

ORDER ASSESSING FINE

The ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department” or “Secretary”), having conducted a review of the activities of America One Acceptance Corporation, and having found violations of the Residential Mortgage License Act of 1987 (the “Act”) [205 ILCS 635], and the rules promulgated thereunder (the “Rules”) [38 Ill. Adm. Code 1050] hereby issues this Order pursuant to Section 4-5 of the Act, and states:

STATUTORY PROVISIONS

1. Section 2-4 of the Act requires applicants to make certain averments to the Department, of which failure to fulfill the obligations of an averment shall subject the license to penalty under Section 4-5, including the requirement in subsection (d) that licensees will file with the Secretary or Nationwide Mortgage Licensing System (“NMLS”) as applicable, when due, any report or reports which it is required to file under any of the provisions of the Act.
2. Section 3-2 of the Act requires a licensee to file an annual audit report with the Secretary or NMLS within 90 days after the end of the licensee’s fiscal year. The audit report shall be prepared by a certified public accountant (“CPA”) on an accrual basis and in accordance with generally accepted accounting principles and standards; in certain instances a mortgage broker may substitute a compilation financial statement in lieu of the annual audit report.
3. Section 4-5(h)(5) of the Act 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 the Act 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 (13) failure to pay in a timely manner any fee, charge or fine under this Act.
5. Section 1050.430 of the Rules states that audit reports not delivered within 90 days after the date specified in Section 3-2 of the Act, unless extended for cause by the Director, shall cause the licensee to pay a fee at the rate of \$50 per calendar day for up to three months.

FACTUAL FINDINGS

6. America One Acceptance Corporation is located at 210 E. Station Street, Suite 1, Barrington, IL, 60010, and holds active Illinois residential mortgage license number MB.6760545. America One Acceptance Corporation conducts mortgage brokering activities under its Illinois residential mortgage license number MB.6760545 (the "License").
7. America One Acceptance Corporation operates on a fiscal year from January 1 to December 31. The deadline for America One Acceptance Corporation to submit a properly prepared annual financial statement to the Secretary for the fiscal year ending December 31, 2012 was March 31, 2013.
8. In a letter dated July 10, 2013, the Department advised America One Acceptance Corporation that the annual financial statements had not been received and was currently outstanding over 90 days after the end of company fiscal year, and it had incurred a late audit fee totaling \$4,500. An invoice in the amount of \$4,500 was included.
9. In a letter dated August 6, 2013, the Department advised America One Acceptance Corporation that its late audit fee totaling \$4,500 remained unpaid.
10. The Department sent a Potential Disciplinary Letter dated November 13, 2013 notifying Licensee of the unpaid amount of \$4,500.
11. The Department has not received payment from America One Acceptance Corporation of its late audit fee and a \$4,500 amount remains due and owing to the Department.

LEGAL CONCLUSIONS

BASED UPON THE ABOVE FACTUAL FINDINGS, THE DEPARTMENT CONCLUDES:

1. By submitting the compliant financial statements over 90 days after the end of its fiscal year, America One Acceptance Corporation violated Sections 2-4 and 3-2 of the Act and Section 1050.430 of the Rules;
2. By failing to pay the late audit fee of \$4,500 in a timely manner, America One Acceptance Corporation is in violation of Section 4-5(i)(13) of the Act.

NOW IT IS HEREBY ORDERED THAT,

1. The Department assesses a **FINE** against America One Acceptance Corporation, License No. MB.6760545, in the amount of \$4,500 pursuant to Section 4-5(h-5) of the Act 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 24TH DAY OF MARCH, 2014

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

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 *et seq.*].