

**STATE OF ILLINOIS**

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

**DIVISION OF BANKING**

**IN THE MATTER OF:** )  
 )  
**THE GIMBEL GROUP, INC.** ) No. 2014-MBR-CD-01  
 )  
Attention: Scott Gimbel )  
230 E. Ohio Street, Suite 706 )  
Chicago, IL 60611 )

**ORDER TO CEASE AND DESIST & ASSESSING FINE**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (“Department”), having conducted an investigation of The Gimbel Group, Inc. (“Gimbel Group”) and having documented violations of the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635] and the rules promulgated under the Act (“Rules”) [38 Ill. Adm. Code 1050], hereby issues this Order for violations of Act and the Rules. The Department has further documented violations of the Residential Real Property Disclosure Act (“RRPDA”) [765 ILCS 77].

**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 Department in accordance with the Act and Rules.
2. Section 1-3(b) of the Act provides that no person, partnership, association, corporation, or other entity except a licensee under this Act or an entity exempt from licensing pursuant to Section 1-4, subsection (d), of this Act 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 this Act.
3. Section 1-3(d-1) of the Act 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 this Act and any rule adopted in accordance with the 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 and shall be fined an amount not to exceed \$25,000.
5. Section 7-1A of the Act prohibits an individual from acting or assuming to act as a mortgage loan originator without a license.

### **FACTUAL FINDINGS**

6. The Gimbel Group, with an office located at 230 E. Ohio Street, Suite 706, Chicago, Illinois 60611 (the "Office"), does not hold, according to Department records, an Illinois residential mortgage license. Scott Gimbel ("Gimbel") is an Illinois-licensed Mortgage Loan Originator ("MLO") and holds license number 031.0030924 ("MLO License"). Per Department records, Gimbel is owner of record for Citywide Mortgage Corporation an inactive former Illinois residential mortgage licensee.
7. The Department was advised on September 3, 2013 that the Gimbel Group and Gimbel ("Gimbel"), as its President, were conducting types of financing business connected to the Office.
8. The Department found the Gimbel Group and Gimbel advertising Illinois residential mortgage broker and MLO services on an Internet websites including the website [www.Thegimbelgroup.com](http://www.Thegimbelgroup.com) to Illinois borrowers. Gimbel listed his MLO License on the aforementioned website without reference to Destiny Mortgage, his MLO License sponsor.
9. Through a review of records and interviews of borrowers, the Department found that an unlicensed individual Linda Sachs-Gimbel ("Sachs-Gimbel") had conducted MLO activities with an Illinois borrower D.M.

### **LEGAL CONCLUSIONS**

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

10. The Gimbel Group has violated Sections 1-3(a) & (b) of the Act.

### **NOW IT IS HEREBY ORDERED THAT,**

1. The Department assesses a **FINE** against the Gimbel Group pursuant to Sections 1-3(d-1) & (e) in the amount of \$25,000. 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, 5<sup>th</sup> Floor  
Springfield, Illinois 62786.**

ORDERED THIS 4<sup>TH</sup> DAY OF FEBRUARY, 2014

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

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**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, 5<sup>th</sup> 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].**