

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKING

IN THE MATTER OF:

SMART MORTGAGE INC.
ATTN: Muthu Radha
1730 W. Park Place, Suite 223
Naperville, IL 60563

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No. 2006-MBR-24

ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the "Department"), having conducted a special examination related to activities conducted by Smart Mortgage Inc., (the "Licensee") and having documented violations of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635] and the rules promulgated under the Act (the "Rules") [38 Ill. Adm. Code 1050], hereby issues this ORDER pursuant to the authority provided under Section 4-5 (h)(5) of the Act. The Department makes the following:

FINDINGS

1. That Smart Mortgage, Inc. is an Illinois residential mortgage licensee holding license No. MB.0006698 and located at 1730 W. Park Place, Suite 223, Naperville, Illinois, 60563;
2. That on March 30, 2006 the Department conducted a special examination of Licensee at Licensee's office and observed and/or found documentation, including but not limited to loan logs, interviewer signatures on consumer mortgage loan applications, payroll and other records, that unregistered individuals had performed and/or were continuing to perform loan originator activities as defined in Section 1-4(hh) of the Act, said individuals identified as follows:

Muthu Radha

3. That the Department mailed to Licensee a letter of potential disciplinary action and that Licensee failed to provide a sufficient response to the Department documenting that the named loan originators were duly and permanently registered at all times on or after July 1, 2005 and that the violations cited herein had not occurred.

CONCLUSIONS

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

That notwithstanding notices and other efforts by the Department, Licensee knowingly hired or employed one or more loan originators on or after July 1, 2005 who were not duly and permanently registered at all times with the Department in violation of Sections 2-4(x) and 7-1 of the Act and Section 1050.2110 et seq. of the Rules.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

1. That Smart Mortgage Inc. License No. MB.0006698, shall be and hereby is assessed a fine of \$2,500 for an unregistered loan originator;
2. That the total fine in the amount of \$2,500 shall be due thirty (30) days after the effective date of this Order upon Smart Mortgage Inc. shall be paid by means of a certified check or money order made payable to the:

**Department of Financial and Professional Regulation
Division of Banking
ATTN: FISCAL DIVISION, 2ND FLOOR
320 W. Washington Street
Springfield, IL 62786**

3. That Smart Mortgage, Inc. License No. MB.0006698, shall be and hereby is required to correct the violations cited in this Order by registering all loan originators, including newly hired or employed loan originators and those not now registered with the Department since the date of the special examination, and comply with all provisions of the Act and Rules.

ORDERED THIS 10TH DAY OF MAY 2006

DEPARTMENT OF FINANCIAL
AND PROFESSIONAL REGULATION
of the State of Illinois;
DEAN MARTINEZ, SECRETARY
D. LORENZO PADRON, DIRECTOR

REYNOLD M. BENJAMIN

Assistant Director, Bureau of Residential Finance, 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 shall be filed within 10 days after the receipt of an administrative decision. A hearing shall be held within 30 days after the receipt by the Department of Financial and Professional Regulation, Division of Banking of a request for a hearing. 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.*].