

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
) No. 2008-MBR-01-b
ALBION FINANCIAL, INC.)
ATTN: Houston Peterson)
440 W. Centre Avenue, Suite 1)
Portage, MI 49024)
License No. MB.6759048)

ORDER REVOKING LICENSE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking, (the “Department”), having conducted an investigation related to the activities of Albion Financial, Inc., 440 W. Centre Avenue, Suite 1, Portage, Michigan, 49024, (the “Licensee”), and having found that the Licensee committed 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 the authority provided under Section 4-5(h)(1) of the Act. The Department makes the following:

FINDINGS:

1. That Albion Financial, Inc. is an Illinois residential mortgage licensee holding license No. MB.6759048 (the “License”) and located at 440 W. Centre Avenue, Suite 1, Portage, Michigan 49024;
2. That on September 27, 2007 Department investigators commenced an investigation of a complaint against Licensee for failure to maintain loan files at an office located at 1771 Diehl Road, Suite 190, Naperville, Illinois (the “Office”);
3. That on October 2, 2007 Department investigators conducted an on-site visit to the Office and observed the space to be vacated and an interview on that day of the regional property manager for the building confirmed that the occupants, operating under various company names, vacated the premises sometime in April 2007;
4. That Department investigators, nevertheless, were able during said on-site visit to retrieve sufficient documentation to corroborate that Licensee had operated the Office at one time as an unlicensed additional full service office, including collecting compact disks and advertisements listing Licensee and some referencing Mark Barone (“Barone”) as Licensee’s branch manager for the Office;

5. That Department investigators then conducted a phone interview on October 2, 2007 with Barone who admitted in the interview that Licensee had operated out of the Office until around July 2006 without the Office being licensed, and that Barone had transferred to another Illinois residential mortgage licensee who did obtain an additional full service office license for that location (License No. 6759829-005, closed June 11, 2007);
6. That on October 12, 2007 Department investigators interviewed Houston Peterson (“Peterson”), contact person for Licensee and one of its owners, and received information from Peterson that Licensee had had a business relationship with an unlicensed marketing company operating at the Office called Tesera; further that Tesera had generated leads for Licensee’s loan originators to follow up on at its corporate office; however, Peterson admitted during the interview that Licensee’s loan originators Ronald Thomas, Sean Warner, and Barone had office space at the Office;
7. That on January 3, 2008, the Department issued Order No. 2008-MBR-01 assessing a \$10,000 fine to Licensee;
8. That on February 28, 2008, the Department filed a bond claim against Licensee Insurance company in the amount of \$10,000 and that Department records show this fine as unpaid;
9. That on March 18, 2008, the Department received written correspondence from Licensee’s Insurance Company indicating that additional documentation was needed, at which time the documentation was mailed to Licensee’s Insurance Company via U.S. certified mail service on March 21, 2008;
10. That on August 5, 2008, the Department received written correspondence from Licensee’s Insurance Company requesting an additional 30 days to complete its investigation; and
11. That Licensee has not paid its fine and that Department records show this fine still as unpaid.

CONCLUSIONS

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

That notwithstanding notices and other efforts by the Department, that Licensee was fined for operating an unlicensed additional full service office and failed to timely pay its fine to the Department in further violation of Sections 4-5(i)(11), (13), and (17) of the Act.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license of **ALBION FINANCIAL, INC.**, License No. MB. MB.6759048 is revoked by Order of the Department pursuant to Section 4-5(h)(1) of the Act for failure to comply with the provisions cited herein of the Act and rules, effective ten days after receipt of this Order, unless you request a hearing pursuant to the Act and Subpart N of the Rules, including remitting the hearing fee required by Section 1050.210 of the Rules.

ORDERED THIS 9th DAY OF SEPTEMBER, 2008

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DEAN MARTINEZ, SECRETARY
DIVISION OF BANKING

JORGE A. SOLIS, DIRECTOR

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 and if, so requested, a hearing shall be held the Department of Financial and Professional Regulation, Division of Banking on the administrative decision. 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.*].