

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

IN THE MATTER OF)
)
) No. 2008-MBR-05
)
ACT MORTGAGE CAPITAL)
ATTN: Mike Ureichuck)
481 Sawgrass Corporate Parkway)
Sunrise, FL 33325)

ORDER REVOKING LICENSE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the "Department"), having conducted a review of activities conducted by ACT Mortgage Capital, 481 Sawgrass Corporate Parkway, Sunrise, Florida, 33325, (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 of the Act. The Department makes the following:

FINDINGS

1. That ACT Mortgage Capital is an Illinois residential mortgage licensee holding license number MB.6760110 (the "License"), and located at 481 Sawgrass Corporate Parkway, Sunrise, Florida, 33325;
2. That Licensee has failed to perform one or more of the requirements of the Act and Rules described below:
 - a. Failure of Licensee to maintain Surety Bond and Fidelity Bond (205 ILCS 635/3-1 and 38 Ill. Admin. Code 1050.490); and
 - b. Failure of Licensee to notify the Department of an address change (38 Ill. Admin. Code 1050.480).
3. That the Department made efforts as described below to advise Licensee of these unfulfilled requirements so that Licensee can comply with the Act and Rules:
 - a. That on July 5, 2007, the Department received a Notice of Cancellation letter from Licensee's Insurance Company indicating that surety bond coverage shall expire on July 28, 2007, although the bond in question had previously expired on April 10, 2007;

- b. That on July 9, 2007, the Department sent to Licensee via U.S. first-class mail service and certified mail, a letter advising Licensee that the surety bond on file with the Department has been cancelled, that licensee's fidelity bond expired on March 30, 2007, and that such current bonds must be submitted to Department within 10 days;
- c. That a Potential Disciplinary Letter was sent to Licensee on October 15, 2007 via U.S. first-class mail service and certified mail;
- d. That said letter sent by certified mail was returned to the Department on November 19, 2007 by the U.S. postal service with the following message "Return to Sender, Attempted Not Known, Unable to Forward"; and
- e. That Licensee has not submitted to the Department current surety and fidelity bonds, and submit a change of address by the due date.

CONCLUSIONS

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

1. That notwithstanding notices and other efforts by the Department, Licensee failed to maintain current surety and fidelity bonds and submit a change of address to the Department; and
2. That Licensee is in violation of Section 3-1 of the Act and Sections 1050.480 and 1050.490 of the Rules, and is in further violation of Section 4-5(i)(11) and (17) of the Act.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license of **ACT MORTGAGE CAPITAL**, License No. MB.6760110 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 18th DAY OF JANUARY, 2008

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DEAN MARTINEZ, SECRETARY

DIVISION OF BANKING
JORGE A. SOLIS, DIRECTOR

REYNOLD M. BENJAMIN
Assistant Director, Bureau of Residential Finance

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 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.].