

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:

EMPIRE LOGGING AND TIMBER, LLC)	ORDER TO CEASE
Attention: Robert Baschmann)	AND DESIST
10375 Abbott Hill Road)	
Boston, NY 14025)	2008-MBR-CD1

ORDER TO CEASE AND DESIST

The Director of the Department of Financial and Professional Regulation, Division of Banking of the State of Illinois (hereinafter called the “Director” or the “Division”) hereby issues to EMPIRE LOGGING AND TIMBER, LLC this ORDER TO CEASE AND DESIST (the “Order”). This Order is authorized by and issued pursuant to the provisions of Sections 1-3 (d-1) and 4-1 (h-1) of the Residential Mortgage License Act of 1987 [205 ILCS 635] (the “Act”).

FINDINGS OF FACT

The Director makes the following Findings of Fact:

1. The Division received a communication in late January, 2008 originating from a title company and alleging that their company name was possibly being fraudulently used in loan solicitation practices of Empire Logging and Timber, LLC;
2. That the Division opened an investigation thereof concluding in a Report of Investigation (the “ROI”) relating to Empire Logging and Timber, LLC ;
3. That the ROI contains findings that ten or more residential mortgage loans on Illinois properties had been brokered under the name of Empire Logging and Timber, LLC commencing in or around December 2007, that Empire Logging and Timber, LLC does not have an Illinois residential mortgage license to conduct said mortgage brokering activities, and that Gregory Powell (“Powell”) is employed or otherwise authorized by Empire Logging and Timber, LLC to act as a loan originator on the loans although Powell is not a registered loan originator in the State of Illinois; and
4. That the ROI further documents efforts by the Division’s investigators to contact Empire Logging and Timber, LLC in relation to its mortgage brokering activities in the State of Illinois and that Empire Logging and Timber, LLC did not respond to repeated inquiries made by the Division’s investigators in relation to the ROI.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Director makes the following Conclusions of Law:

1. Empire Logging and Timber, LLC has violated Section 1-3 of the Act in conducting mortgage brokerage activities without an Illinois residential mortgage license and without using registered loan originators as required in Sections 2-4(x) and 7-1 of the Act; and
2. The Director has reasonable cause to believe that an unsafe, unsound, or unlawful practices has occurred, is occurring, or is about to occur with respect to Empire Logging and Timber, LLC pursuant to Sections 1-3 (d-1) and 4-1 (h-1) of the Act.

NOW THEREFORE IT IS HEREBY ORDERED:

Empire Logging and Timber, LLC, and by and through its owners, officers, directors, employees, and agents, shall immediately cease and desist from conducting mortgage brokerage activities or any other licensable activities under the Act, including holding itself out to the public, regulated entities, or others that is available to provide said activities;

ORDERED THIS 10th OF APRIL, 2008

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION,
DIVISION OF BANKING of the State of Illinois;
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 a hearing held 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.*].