

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

IN THE MATTER OF:)
)
) No. 2009-MBR-145
MIDWEST MUTUAL MORTGAGE, INC.)
License No. MB.6759138)
Attention: Michael Leiva)
2554 West Fullerton Avenue)
Chicago, IL 60647)

ORDER REVOKING LICENSE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), having examined Midwest Mutual Mortgage, Inc. (the “Licensee”) and 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) (1) of the Act. The Department makes the following:

FINDINGS

1. That Midwest Mutual Mortgage, Inc. is an Illinois residential mortgage licensee holding inactive, lapsed license number MB.6759138 (the “License”) and located according to Department records at 2554 West Fullerton Avenue, Chicago, Illinois 60647;
2. That on September 15, 2008, the Department commenced an examination of Licensee for the period 7/1/2005 to 5/31/2008 and found violations of the Act and Rules as cited in the Report of Examination (“ROE”) as follows:
 - a. Net Worth Requirement – Licensee failed to meet the minimum requirement for adjusted net worth for the fiscal year ending December 31, 2007 (violation of Section 3-5 of the Act and Section 1050.410 of the Rules);
 - b. Loan Brokerage Agreement – Licensee failed to include the loan originator’s registration number on all loan brokerage agreements; (violation of Section 1050.1010 of the Rules);
 - c. Description of Required Documentation – Licensee failed to provide the “Description of Required Documents” disclosure in the loan files reviewed (violation of Section 1050.1120 of the Rules);
 - d. Maintenance of Records – Licensee failed to include property purchaser/seller names, loan originator names/registration numbers, appraiser names/license numbers, corporate or full service office and license number where the application was taken, and amount of points and fees charged in the loan log (violation of Section 1050.1175 of the Rules)

- e. Compliance with other Laws – Licensee failed to provide pre-paid homeowners insurance on the Good Faith Estimate and HUD-1 settlement statement documents and omitted payment schedules or failed to obtain borrower signatures on loan programs on Truth in Lending disclosures all as cited in the ROE (violation of Section 1050.1350 of the Rules, citing federal regulations);
 - f. Approval Notice – Licensee failed to provide borrowers with commitment expiration date, loan terms, and circumstances as applicable which may impact the interest rate, monthly payment and/or repayment term in four loan files (repeat violation of Section 1050.1305 of the Rules);
2. That on or around November 12, 2008, the Licensee’s ROE was assigned to supervision for correction and compliance, and Supervision Section mailed a letter to Licensee regarding supervisory requirements and including attendance at mandatory 5/21/2009 supervisory meeting;
 3. That on May 1, 2009, Supervision Section mailed a letter via U.S. first class postage to Licensee reminding Licensee that a written response was needed for each violation in the ROE, explanation of Licensee’s non-renewal of License which lapsed on 1/13/2009 and apparent disconnect of its business phone, submission of Licensee’s 2008 financial statements was due to the Department, and the \$1,224 examination fee was unpaid; and
 4. That on May 14, 2009, the U.S. Postal Service returned the 5/1/2009 supervisory letter to Licensee with marking “Return To Sender, Not Deliverable As Addressed, Unable To Forward” and Licensee failed to attend its mandatory 5/21/2009 supervisory meeting.

CONCLUSIONS

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

That notwithstanding notices and other efforts by the Department, Licensee is in violation of Sections 2-4, 2-6, 3-2, and 3-5 of the Act and Sections 1050.410, 1050.480, 1050.1010, 1050.1120, 1050.1175, 1050.1305, and 1050.1350 of the Rules; and is 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 MIDWEST MUTUAL MORTGAGE, INC., License No. MB.6759138 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 8TH DAY OF JUNE, 2009

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
MICHAEL T. MCRAITH, ACTING 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 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.*].