

**STATE OF ILLINOIS**

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

**DIVISION OF BANKING**

IN THE MATTER OF )  
 )  
 ) No. 2009-MBR-274  
**AAXA DISCOUNT MORTGAGE, INC.** )  
License No. MB.6759145 )  
Attention: Brian Mitchell )  
2004 Eastwood Road, Suite 202 )  
Wilmington, NC 28403 )

**ORDER ASSESSING FINE**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), having reviewed and examined the activities of AAXA Discount 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)(5) of the Act. The Department makes the following:

**FINDINGS**

1. That AAXA Discount Mortgage, Inc. is an Illinois residential mortgage licensee holding license number MB.6759145 (the “License”) and located at 2004 Eastwood Road, Suite 202, Wilmington, North Carolina 28403;
2. That on or around January 18, 2009, the Department examined the licensable activities of Licensee for the period 10/1/2005 to 10/31/2008, found numerous violations of the Act and Rules as cited in the Report of Examination (the “ROE”) and referred the Licensee to Supervision for the ROE to correct and comply with the Act and Rules;
3. That on August 27, 2009, the Department’s Supervision Section created an enforcement issue for Licensee for employing loan originators who took fifty-five (55) loan applications during the exam period without an appropriate registration in place. The individuals and number of loan applications taken by each are cited as follows: Christopher Britt (8), James Evans (13), Willard Jones (3), Travis Putnam (25), and John Thomaier (6);
4. That on September 8, 2009, the Department’s Legal Section mailed to Licensee by U.S. First class and certified postage a Potential Discipline Letter citing the aforementioned violations; and

5. That on September 17, 2009, the Department received a signed receipt of delivery by Licensee from the U.S. Postal Service and the Department has received no written response from the Licensee.

### **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(z) and 7-1 of the Act and Section 1050.2125 of the Rules for employing loan originators to take residential mortgage loans without appropriate registration in place, and is in further violation of Sections 4-5(i) (11) and (17) of the Act.

### **ORDER**

NOW THEREFORE IT IS ORDERED:

1. That AAXA DISCOUNT MORTGAGE, INC., License No. MB.6759145, shall be and hereby is assessed a fine in the amount of \$10,000 for the violations cited herein;
2. The fine in the amount of \$10,000 shall be due thirty (30) days after the effective date of this Order upon AAXA DISCOUNT MORTGAGE, INC.; and
3. The fine in the amount of \$10,000 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: MORTGAGE BANKING  
320 West Washington, 6<sup>th</sup> Floor  
Springfield, IL 62786**

ORDERED THIS 30<sup>TH</sup> DAY OF OCTOBER, 2009

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
BRENT E. ADAMS, SECRETARY

DIVISION OF BANKING

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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.*].**