

**STATE OF ILLINOIS**

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

**DIVISION OF BANKING**

IN THE MATTER OF )  
 )  
 ) No. 2009-MBR-297  
**INTERBANK MORTGAGE COMPANY** )  
License No. MB.0006421 )  
Attention: Dmitry Godin )  
3200 Doolittle Drive )  
Northbrook, IL 60062 )

**CONSENT ORDER ASSESSING FINE**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), and Interbank Mortgage Company (the “Licensee”) hereby enter into this Consent Order Assessing Fine (“Consent Order”) and stipulate and acknowledge as follows:

**STIPULATIONS AND ACKNOWLEDGEMENTS**

1. That Chicago Mortgage Solutions Corp. d/b/a Interbank Mortgage Company is an Illinois residential mortgage licensee under 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], holding license number MB.0006421 (the “License”) and is located at 3200 Doolittle Drive, Northbrook, Illinois 60062;
2. That on February 2, 2009, the Department received a consumer complaint (Complaint No. 2008-909, and hereafter referred to as the “Complainant” or the “Complaint”) in connection with the alleged acts or omissions of Licensee and/or Jesus Andino (“Andino”) in originating a residential mortgage loan for the Complainant in and around June 2006;
3. That in the Complaint, Complainant alleged that Licensee overcharged Complainant on origination fees, failed to provide copies of signed loan documents or return original W-2s used in the transaction, that Andino falsified Complainant’s income for the loan, and that Licensee had processed Complainant’s loan with the misrepresentation that Igor Vugmayster (“Vugmayster”) was the loan originator on the loan documents when only Andino had performed such loan originator services;
4. That on April 8, 2009, the Department opened its investigation of the Complaint and conducted interviews with the Complainant, Dmitry Godin as new owner of Licensee, Vugmayster, and others, as well as reviewing facts related to the Complaint;
5. That on April 30, 2009, the assigned Department Investigator filed the Report of Investigation (the “ROI”) with the determination that the investigation revealed sufficient

evidence to sustain violations of the Act and Rules by Licensee in employing Andino to perform loan originator activities (and not just Spanish translation activities) without proper loan originator registration, failure to properly report Andino, and not Vugmayster, as the loan originator on Complainant's loan documents, failing to properly originate Complainant's loan by using false or misleading statements in the loan file, failing to provide or return consumer documents, and for improper reporting of Licensee's operations to the Department;

6. That the Department's Investigations Section created an enforcement issue based upon the ROI, its facts and determination, and referred the issue to the Legal Section;
7. That on July 16, 2009, the Department's Legal Section mailed a Potential Discipline letter to the Licensee by U.S. first class and certified postage encouraging Licensee to investigate and advise the Department of pertinent facts and circumstances regarding the Complaint and enforcement issue it raised;
8. That the Licensee, through its legal counsel, without benefit of discovery of either the Complaint or the ROI, filed written responses dated July 27, 2009 and September 2, 2009 with the Department;
9. That the Licensee has, in its writings and other communications with the Department's Legal Section: (i) acknowledged the Change of Control submitted to the Department and asserted the difficulty of attempting to refute allegations of wrongdoing more than three (3) years after Complainant's cash-out mortgage loan refinancing was originated; (ii) contended that Andino was not a compensated employee but an independent contractor conducting translation activities and not loan origination activities; (iii) asserted that the Uniform Residential Loan Application with Complainant's stated income was initialed by Complainant on each page and signed by both the Complainant and its former employee Vugmayster, who at all times relevant was a registered loan originator; (iv) asserted that the loan file contained a verification of the borrower's employment as a sales manager of a Spanish newspaper; (v) asserted that the loan amount was relatively similar to the loan being refinanced with the exception of cash out to the Complainant for home improvements; (vi) maintained that the disclosed origination fees did not violate applicable law; and (vii) maintained in response to Complainant's assertion that it "failed to provide copies of signed loan documents or return original W-2s used in the transaction" that the loan in question was a stated income loan, that it possessed copies of necessary disclosures signed by the Complainant acknowledging receipt of same and that the providing of other signed loan closing documentation (e.g., HUD-1 Settlement Statement) was the express obligation of the settlement agent (see, 12 USC 2603(b));
10. That the Department has reviewed and considered Licensee's oral and written responses, but is of the opinion and otherwise concludes that the Complaint and evidence collected by the Investigations Section would be sufficient to establish that Licensee engaged in the violations cited in the ROI, including the violation of Sections 2-4(d),(f),(j),(k),(n),(s),(t), & (z) and 7-1 of the Act and Sections 1050.480(a), 1050.2125(b)(5) and 1050.2165(b) & (e) 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; and

11. That without admitting liability but recognizing the aforementioned opinion and conclusions of the Department, along with consideration of administrative hearing and mitigation available in connection with disputed facts, the Licensee and the Department agree to resolve this matter by consent.

**TERMS AND CONDITIONS**

NOW THEREFORE THE DEPARTMENT AND LICENSEE HEREBY AGREE AS FOLLOWS:

1. That INTERBANK MORTGAGE COMPANY, License No. MB.0006421, shall be and hereby is assessed a fine in the amount of \$5,000;
2. The fine shall be due thirty (30) days after the effective date of this Consent Order;
3. The fine 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;**

4. INTERBANK MORTGAGE COMPANY agrees to not file any petition for hearing and administrative review, or judicial review, of this Consent Order;
5. INTERBANK MORTGAGE COMPANY acknowledges that it has had the opportunity to be represented by legal counsel in negotiating this Consent Order, and that it willingly enters into this Consent Order after full evaluation and consideration of its rights under the Act and the Illinois Administrative Procedure Act;
6. The Department enters into this Consent Order for the purpose of imposing measures that are fair and equitable under the circumstances and that are consistent with the best interest of the people of the State of Illinois; and
7. This Consent Order shall become effective upon all parties hereinafter designated signing and dating the Consent Order.

THE FOREGOING CONSENT ORDER IS APPROVED IN FULL:

INTERBANK MORTGAGE COMPANY

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DMITRY GODIN

DATED: \_\_\_\_\_

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

DIVISION OF BANKING

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JORGE A. SOLIS, DIRECTOR

DATED: DECEMBER 22, 2009