

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

IN THE MATTER OF:)
)
) No. 2009-MBR-40
POWER LENDING CORPORATION)
License No. MB.6759119)
Attention: Darlene Herman)
800 West Fifth Ave, Suite 205)
Naperville, IL 60563)

ORDER REVOKING LICENSE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), having examined Power Lending Corp., (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 Power Lending Corp. is an Illinois residential mortgage licensee holding inactive-lapsed license number MB.6759119 (the “License”) and located at 800 West Fifth Ave., Suite 205, Naperville, Illinois, 60563;
2. That on June 25, 2007, the Department concluded an examination of Licensee for the exam period 05/01/2004 to 04/30/2007 and the examiner found several violations by the Licensee of the Act and Rules as subsequently cited in the Report of Examination (the “ROE”) as follows:
 - a. Averments of Licensee – Licensee failed to notify the Department within 30 days when it was requested to repurchase two (2) loans due to misrepresentation on the loan applications (violation of Section 2-4(x) of the Act);
 - b. Loan Brokerage Agreements – Licensee failed to include the Loan Brokerage Agreement in two (2) closed loan files and Licensee failed to include the loan originator’s registration number in the Loan Brokerage Agreements (violation of Section 1050.1010(h) of the Rules);
 - c. Loan Brokerage Disclosure – Licensee failed to include the Loan Brokerage Disclosure Statement in two (2) closed loan files (violation of Section 1050.1020 of the Rules);

- d. Borrower Information Document – Licensee failed to provide the Borrower Information Document in one (1) closed loan file (violation of Section 1050.1110 of the Rules);
 - e. Compliance with other Laws. Yield Spread Premium – Licensee failed to disclose the Yield Spread Premium on the initial Good Faith Estimate in one (1) closed loan file (violation of Sections 1050.1110, 1050.1250(a), 1050.1350(a)(b)(c) of the Rules and 24 CFR 3500.7(a)(c));
 - f. Maintenance of Records. Loan File Retention – Documents were missing, incomplete or not signed by the borrower and loan originator in six (6) closed loan files cited in the ROE (violation of Sections 1050.1010, 1050.1020(a), 1050.1110, and 1050.1175(b)(C)(D) of the Rules);
 - g. Content of Disclosures – Licensee failed to indicate that a loan contained a variable rate feature in the Truth-in-Lending form in two (2) closed loan files, and also failed to complete the Truth-in-Lending issued in one of those files (violation of Sections 1050.1140 and 1050.1350 of the Rules and 12 CFR 226.18(19) and Reg Z/TILA);
3. That on June 23, 2008, the Department’s Examination Section mailed the ROE to the Licensee with U.S. first class postage with a due date of 10 days for the Licensee to submit its written response to the examination findings back to the Department;
 4. That on October 24, 2008, Supervisory Section mailed a supervisory letter requesting supporting documentation and reminding Licensee that it was to attend the required supervisory meeting on November 25, 2008;
 5. That on November 25, 2008, Licensee failed to attend the supervisory meeting; therefore the Examination Section referred the matter to the Legal Section for enforcement action;
 6. That on December 18, 2008, the Legal Section mailed by U.S. certified and first-class mail a Potential Discipline Letter to Licensee for the Licensee to submit any pertinent facts and circumstances before the Department takes a disciplinary action; and
 7. That on January 6, 2008, the Department received the Potential Discipline Letter marked “Not Deliverable as Addressed Unable to Forward”.

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 Section 2-4(x) of the Act and Sections 1050.1010, 1050.1020, 1050.1110, 1050.1140, 1050.1175, 1050.1250, and 1050.1350 of the Rules; and is in further violation of Sections 4-5(i) (11) and (17) of the Act.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license of POWER LENDING CORP., License No. MB.6759119 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 FEBRUARY, 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.*].