

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF)
)
) No. 2010-MBR-46
UNITED FUNDING, INC.)
License No. MB.6760553)
Attention: Amy Fehrenbacher)
16 N. 1st Avenue, Suite 222)
St. Charles, IL 60174)

ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), having investigated the activities of United Funding, Inc. (“United Funding”) 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 United Funding, Inc. is an Illinois residential mortgage licensee holding license number MB.6760553 (the “License”) and located at 16 N. 1st Avenue, Suite 222, St. Charles, Illinois 60174;
2. That on March 23, 2010, the Department initiated its investigation of United Funding after receiving a complaint alleging violations by United Funding of the Act and Rules. The assigned Department investigator (the “Investigator”) commenced the investigation with a search and review of United Funding’s advertising on websites as of March 25, 2010, and continued the investigation with on-site visits to United Funding’s corporate and Harlem Avenue branch offices on March 29-30, 2010;
3. That the Investigator found that United Funding failed to properly identify itself as an “Illinois Residential Mortgage Licensee” on websites located at addresses www.ufbancorp.com and www.unitedfundinginc.com (the “Websites”). The Investigator further found that the Websites contained misleading and deceptive advertising and content including that United Funding was licensed in 13 or 14 states (when only licensed in Illinois), that the website www.ufbancorp.com described an improper net-branching arrangement, and the website www.unitedfundinginc.com provided only the Harlem Avenue branch office address and not the required corporate address of United Funding as well as listing two loan originators (Jaworska and Romero) as loan originators for United Funding (when only transfers had been applied for);

4. That the Investigator after on-site visits to United Funding's corporate and Harlem Avenue branch offices found further compliance issues in connection with office arrangements, signage, and License display;
5. That on April 27, 2010, the Department's Investigations Section filed a Report of Investigation (the "ROI") citing violations of advertising on the Websites and office-related provisions of the Act and Rules;
6. That on May 12, 2010, the Department's Legal Section mailed to United Funding by U.S certified mail a Potential Discipline Letter citing the violations found in the ROI;
7. That on May 24, 2010, the Department received United Funding's written response which provided additional information as to United Funding's corporate and Harlem Avenue branch offices and described advertising corrections to the Websites; and
8. That the Department has reviewed United Funding's response and current advertising on the Websites and has determined to not cite United Funding for office-related violations and take advertising corrections made by United Funding in mitigation of the amount of fine to be assessed; however, the Department has determined that United Funding committed, in its original advertising on the Websites, multiple advertising violations and with misleading and deceptive content in violation of the sections of the Act and Rules hereinafter cited.

CONCLUSIONS

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

That notwithstanding notices and other efforts by the Department, Licensee committed violations of Sections 2-4(j)&(t) and 3-3(a),(b),&(c) of the Act and Sections 1050.930, 1050.940(a)&(b), 1050.950(b), and committed further violation of Sections 4-5(i) (11) and (17) of the Act.

ORDER

NOW THEREFORE IT IS ORDERED:

1. That UNITED FUNDING, INC., License No. MB.6760553, shall be and hereby is assessed a fine in the amount of \$5,000 for the violations cited herein;
2. The fine in the amount of \$5,000 shall be due thirty (30) days after the effective date of this Order upon UNITED FUNDING, INC.; and
3. The fine in the amount of \$5,000 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, 6th Floor
Springfield, IL 62786**

ORDERED THIS 8TH DAY OF JULY, 2010

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
BRENT E. ADAMS, 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, and hearing fee pursuant to 38 Ill. Adm. Code 1050.210(f), 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.*].