

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
)
) No. 2014-MBR-09
MONEYWORKS)
License No. MB.0005839)
Attention: Teresa Christman)
108 Surrey Lane)
Arthur, IL 61911)

ORDER REVOKING LICENSE AND ASSESSING FINE

The **DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF BANKING** (“Department”), having examined and reviewed the activities of **MONEYWORKS**, and having found violations of the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635] and the rules promulgated under the Act (“Rules”) [38 Ill. Adm. Code 1050], hereby issues this **ORDER REVOKING LICENSE AND ASSESSING FINE**.

STATUTORY PROVISIONS

1. Section 4-1(h-1) of the Act provides the Director of the Department (“Director”) the authority to issue orders against any person if the Director has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Director, or for the purposes of administering the provisions of the Act and any rule adopted in accordance with the Act.
2. Section 2-4 of the Act requires applicants/licenseses to make certain averments to the Department. Failure to fulfill the obligation of an averment including the requirement under subsection (d) to file with the Department any required reports, shall subject the applicant/licensee to discipline..
3. Section 2-6(e) of the Act provides that a licensee that desires to cease operating and forfeit its license shall contemporaneously: 1) inform the Department in writing of such intent; 2) convey the license and all other indicia of licensure; 3) provide the Department with a plan for withdrawal from regulated business that includes a timetable for the disposition of the business; and 4) comply with the Department’s surrender guidelines and requirements.

4. Section 3-2 of the Act requires a licensee to file its most recent audit report (or for a mortgage broker, unaudited financial statements) with the Director of the Department (“Director”) or the Nationwide Mortgage Licensing System within 90 days after the end of the licensee’s fiscal year.
5. Section 1050.430 of the Rules provides that the failure to deliver audit reports within 90 days after the date specified in Section 3-2 of the Act, unless extended for cause by the Department, shall subject the licensee to payment of a fee at the rate of \$50 per calendar day for each day that such failure is continuing for up to three months.
6. Section 3-5 of the Act requires a mortgage broker licensee to maintain net worth of not less than \$50,000.
7. Section 4-5(h) of the Act provides that when the Director finds any person in violation of the grounds set forth in section 4-5(i) the Director may enter an order imposing the penalty of revocation of license as authorized by paragraph (1) and may enter an order assessing a fine of up to \$25,000 for each separate offense as authorized by paragraph (5).
8. Section 4-5(i) of the Act provides grounds for discipline, which include: failure to comply with any order of the Director or rule made or issued under provisions of the Act (subsection (11)); failure to pay in a timely manner any fee, charge or fine under the Act (subsection (13)); and failure to comply with, or violation of any provision of the Act (subsection (17)).

FACTUAL FINDINGS

9. Moneyworks, having its licensed and principal place of business of record located at 108 Surrey Lane, Arthur, Illinois 61911, is a mortgage broker holding suspended Illinois residential mortgage license number MB.0005839 (“License”) and owned by Teresa Christman. Licensee has stated its fiscal year to the Department as ending on December 31.
10. On July 11, 2013, the Department initiated a supervisory issue based on Moneyworks’ failure to verify minimum net worth and submit its December 31, 2012 financial statements, which were due March 31, 2013. Pursuant to written notice to Moneyworks, the Department assessed a late audit fee of \$4,500 for the prescribed three-month period payable by Moneyworks by August 11, 2013.
11. On August 21, 2013, the Department reminded Moneyworks in another letter that its financial statements for the period ending December 31, 2012 had not been received and that this would cause Moneyworks to be unable to renew its License.
12. On August 28, 2013, the Department reminded Moneyworks in a third letter that the assessed late audit fee had not been paid to the Department and was now

- overdue. The Department advised Moneyworks that if the late audit fee was not paid within 10 days that the matter would be referred for legal enforcement by the Department.
13. On September 4, 2013, the Department initiated an enforcement action due to Moneyworks' continued failure to verify minimum net worth and submit its December 31, 2012 financial statements as well as to failure to submit its late audit fee payment.
 14. On November 13, 2013, the Department mailed a Potential Disciplinary Letter to Moneyworks by certified United States Postal Service ("USPS") mail, requesting Moneyworks' response to the Department's enforcement action.
 15. On December 16, 2013, the Department received the Potential Discipline Letter back from the USPS as unclaimed.
 16. On December 19, 2013, the Department issued Order 2013-MBR-82 ("Suspension Order") suspending the License until such time that Moneyworks came into compliance with the Act and Rules, and subjecting Moneyworks to additional discipline upon failure to comply and properly complete renewal of its License for calendar year 2014. The Department mailed the Suspension Order to Moneyworks by certified USPS mail on or about December 26, 2013.
 17. On February 4, 2014, the Department received the Suspension Order back from the USPS as unclaimed.
 18. On or about April 1, 2014, Moneyworks provided a written response to the Department, but did not submit its December 31, 2012 financial statements and did not submit payment of its \$4,500 late audit fee.
 19. Moneyworks, instead of addressing the License suspension and taking steps to comply, sought to surrender the License against the Department's published surrender guidelines.

LEGAL CONCLUSIONS

20. Moneyworks failed repeatedly to report to the Department, operated without verified net worth, attempted an improper surrender of License and failed to take steps to comply with a Department order. The violations failed to comply with the requirements of the Act and Rules and would give the Director reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur.
21. The Licensee is in violation of Sections 2-4(d), 2-6(e), 3-2, 3-5 and 4-5(i)(11),(13), & (17) of the Act and Section 1050.430 of the Rules.

NOW IT IS HEREBY ORDERED THAT:

1. The Department **REVOKES** MONEYWORKS' residential mortgage license number MB.0005839 pursuant to Sections 4-1(h-1) and 4-5(h)(1) of the Act.
2. The Department assesses a **FINE** against MONEYWORKS in the amount of \$10,000 pursuant to Section 4-5(h)(5) of the Act. The fine is payable by certified check or money order within thirty (30) days of the effective date of this Order to the:

**Department of Financial and Professional Regulation
Division of Banking
Attention: FISCAL DIVISION
320 W. Washington, 5th Floor
Springfield, Illinois 62786**

ORDERED THIS 18TH DAY OF NOVEMBER, 2014

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION
DIVISION OF BANKING

SHEILA SAEGH HENRETTA
ACTING 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 affected party may file a request for a hearing on a decision by the Director. The request for a hearing and \$500 hearing fee is payable by certified check or money order and must be filed with the Department at 320 West Washington Street, 5th Floor, and Springfield, IL 62786 within 10 days after the appealing party's receipt of this Order. The request for hearing must include an explicit admission, denial, or appropriate response to each allegation or issue contained in this Order pursuant to 38 Ill. Adm. Code 1050.1570. After receipt of a proper and timely request for hearing, 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].