STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:))
MIKE WEST Envoy Mortgage, Ltd. 5100 Westheimer, Suite 320 Houston, Texas 77056))))
)

No. 2012-MLO-CD-05-b

AMENDED ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking ("Department"), having examined the activities of Mike West ("West"), 5100 Westheimer, Suite 320, Houston, Texas 77056, pursuant to 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 for violations of the Act and Rules.

STATUTORY PROVISIONS

1. Section 1-4(jj) of the Act defines a mortgage loan originator in relevant part:

"Mortgage loan originator" means an individual who for compensation or gain or in the expectation of compensation or gain:

- (i) takes a residential mortgage loan application; or
- (ii) offers or negotiates terms of a residential mortgage loan.
- 2. Section 7-13 of the Act provides a list of prohibited acts and practices for mortgage loan originators, including conducting any business covered by this Act without holding a valid license as required under this Act, or assist or aid and abet any person in the conduct of business under this Act without a valid license as required under this Act.
- 3. Section 1-3(e) of the Act provides that any person, partnership, association, corporation or other entity who violates any provision of this Section commits a business offense and shall be fined an amount not to exceed \$25,000.

FACTUAL FINDINGS

4. West was working under the license of Envoy Mortgage, Ltd (MB.6759338, "Licensee") for all purposes of this Order;

- 5. On January 5, 2011, the Department conducted an Examination of Licensee for the period of 11/1/2008 to 9/30/2010 and found numerous violations of the Act and Rules as cited in the Report of Examination ("ROE") specifically at issue was the unregistered loan origination.
- 6. Through the loan log it was found that West had originated two loans during this exam period without being registered as a loan originator.

LEGAL CONCLUSIONS

7. West violated section 7-13(6) of the Act.

NOW IT IS HEREBY ORDERED THAT,

- 1. Mike West shall comply with the Act and Rules and maintain an active Mortgage Loan Originator License "License" at all times when conducting mortgage loan originator activities as defined in the Act. West shall cease and desist from such conduct at any time he does not maintain an active License.
- 2. Mike West shall pay a **FINE** in the amount of \$1,000 as authorized under Section 1-3(e) 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 ATTN: Loan Originator Section 320 W. Washington, 5th Floor Springfield, Illinois, 62786.

ORDERED THIS ____ DAY OF _____, 2012

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION MANUEL FLORES, ACTING SECRETARY DIVISION OF BANKING 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 \$250 hearing fee by certified check or money order shall be filed with the Department at 320 West Washington Street, Springfield, IL 62786, ATTN: Loan Originator Section within 10 days after the receipt of an administrative decision. The request for hearing must include an explicit admission, denial, or appropriate response to each allegation or issue contained in the administrative decision pursuant to 38 Ill. Adm. Code 1050.1570. 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.*]. Page - 4 - In the Matter of Mike West

State of Illinois ((ss: County of Cook (

The undersigned, being duly sworn on oath, states that on ______, I mailed with sufficient postage affixed, a copy of the foregoing **ORDER ASSESSING FINE** by U.S. registered mail, return receipt requested, at 122 S. Michigan Avenue, Suite 1900, Chicago, Illinois 60603, to the name and address listed below:

AFFIANT

Subscribed and sworn to before me,

this _____ day of _____, 2012

NOTARY PUBLIC

Send to:

A. Michelle CanterLotstein Legal4720 Peachtree Industrial Blvd, Suite 106Norcross, GA 30071-5736