

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

IN THE MATTER OF:)
) No: 2010-LO-CD-01
DAVID GOLTZ)
23923 McMullin Circle)
Plainfield, Illinois 60586)
)

CEASE AND DESIST ORDER WITH A FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking, (“Department”), having conducted an investigation of the facts related to registered Loan Originator David Goltz, (“Registrant”), 23923 McMullin Circle, Plainfield, Illinois 60586, and having found that the Respondent has committed violations cited herein of the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635], and of the rules promulgated under the Act (“Rules”) [38 Ill. Adm. Code 1050], hereby issues this ORDER pursuant to the authority provided under Section 7-1 of the Act and Section 1050.2170 of the Rules. The Department makes the following findings:

FINDINGS

1. That Registrant holds an expired Illinois Loan Originator registration number 031.0008414 and has the address of 23923 McMullin Circle, Plainfield, Illinois 60586;
2. That Registrant was working under the Illinois residential mortgage license of American Nationwide Bancorp, Inc. (License No. MB. 6760555; “Licensee”) for all purposes of this Order;
3. That Registrant was prohibited from originating loans for Licensee because his registration number expired on July 1, 2008, and because he was not sponsored by any licensed mortgage broker;

4. That through a Department investigation (“Investigation”) of Licensee it was found that Registrant was originating loans using the name and Loan Originator Registration number of Alberto Juarez (“Juarez”), a loan originator whose registration was active and sponsored by Licensee, in order to close loans in Illinois;
5. That also through the Investigation, it was found that Registrant contacted one of the borrowers that Registrant had originated a loan for and told the borrower to tell the investigator that he himself was only collecting information for the loan not actually originating; and
6. That Registrant not only knowingly used a name and registration number belonging to another loan originator because Registrant was viewed as unqualified to originate loans because his license had expired, he attempted to conceal his actions by thwarting the Investigation. Registrant’s actions were a misrepresentation to the consumers and lenders Registrant worked with and also constitutes dishonest dealings in violation of the Act and the Rules.

CONCLUSIONS

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

Respondent’s activities warrant a cease and desist with a fine pursuant to Section 7-1 of the Act and Section 1050.2170 of the Rules

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

1. That David Goltz shall cease and desist from all loan originating and solicitation activities;
2. That David Goltz shall be and hereby is assessed a fine of \$2,500 for violating the Act and Rules cited herein pursuant to Rule section 1050.2170(a)(2);
3. The total fine in the amount of \$2,500 shall be due thirty (30) days after the effective date of this Order; and
4. The fee in the amount of \$2,500 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: Loan Originator Section
320 W. Washington
Springfield, Illinois, 62786**

ORDERED THIS ____ DAY OF _____, 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. You have the opportunity to request a hearing regarding this matter for a fee of \$250 plus the transcript fee pursuant to 38 Ill. Adm. Code 1050.2175. The request for a hearing shall be filed within 10 days after the receipt of an administrative decision. A hearing shall be held by the Department of Financial and Professional Regulation, Division of Banking on the administrative decision. Absent a request for a hearing, this Order shall constitute a final administrative decision subject to the Administrative Review Law [735 ICLS 5/3-101 *et seq.*]

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 **CEASE AND DESIST ORDER WITH A FINE** by regular and certified mail, return receipt requested at 122 S. Michigan Avenue, Suite 1900, Chicago, Illinois 60603, to the address of Registrant's Licensee registered with IDFPR Division of Banking listed below:

DAVID GOLTZ
23923 McMullin Circle
Plainfield, Illinois 60586

AFFIANT

Subscribed and sworn to before me,
this ____ day of _____, 2010

NOTARY PUBLIC
