

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:

DAVID DYER

IL License No. 031.0002160; NMLS ID No. 231981)

10040 Kawa Court

Schiller Park, IL 60176

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No. 2013-MLO-11

ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (“Department”), having conducted an investigation of DAVID DYER (“DYER”), 10040 Kawa Court, Schiller Park, Illinois 60176 in connection with his residential mortgage activities with M.S.C. Financial (“Licensee”), and found violations of the Residential Mortgage License Act of 1987 (“Act”) hereby issues this ORDER ASSESSING FINE.

STATUTORY PROVISIONS

1. Section 1-4(jj) of the Act defines the “mortgage loan originator” (“MLO”) as 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. Included in the definition are individuals who participate in residential mortgage loan modification activities.
2. Section 7-1A of the Act states, in part, it is unlawful for any individual to act or assume to act as a mortgage loan originator, as defined in subsection (jj) of Section 1-4 of the Act, without obtaining a license from the Department.
3. Section 7-11 of the Act authorizes a maximum fine of \$1,000 for each day for each violation of this Act or other applicable law or regulation that is committed, and may be double for repeat violations.
4. Section 7-13 of the Act provides a list of prohibited acts and practices for MLOs, including assisting a person in conducting any business covered by this Act without holding a valid license as required under this Act, MLOs are prohibited from violating any rules and regulations and engaging in conduct that constitutes dishonest dealings.
5. Section 7-14 of the Act provides, in part, that the unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan application forms.

FACTUAL FINDINGS

6. DYER holds MLO License No. 031.0002160 expired on December 31, 2011.
7. On February 7, 2011, the Department opened an investigation of Licensee.
8. The Department's investigation found that DYER signed the loan application forms for borrowers Ruiz and Gutierrez as having originated these loans and taking the loan applications by telephone when in fact the Ruiz and Gutierrez loans were actually originated by Juan C. Lopez, an improperly licensed MLO.
9. DYER failed to show his unique identifier on the loan application for borrower Gutierrez that DYER purported to have originated by affixing his signature on loan application.

LEGAL CONCLUSIONS

BASED UPON THE ABOVE ALLEGATIONS, THE DEPARTMENT FINDS:

10. DYER is in violation of Sections 7-13(6), (8) & (15) and 7-14 of the Act.

NOW IT IS HEREBY ORDERED THAT:

1. DYER shall pay a **FINE** in the amount of \$2,000 (\$1,000 per loan) as authorized under Section 7-11 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 _____, 2013

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
MANUEL FLORES, ACTING SECRETARY

DIVISION OF BANKING

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 \$250 hearing fee by certified check or money order shall be filed with the Department at 320 West Washington Street, 5th Floor, 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.*]. accommodation

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 regular and certified mail, return receipt requested at 100 W. Randolph St., Chicago, Illinois 60601, to the address of Respondent registered with IDFPR Division of Banking listed below:

AFFIANT

Subscribed and sworn to before me,

this ____ day of _____, 2013

NOTARY PUBLIC

Sent to:

DAVID DYER
10040 Kawa Court
Schiller Park, IL 60176