

**BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF GEORGIA**

AMERICA'S MORTGAGE BROKER, LLC
Petitioner

vs.

GEORGIA DEPARTMENT OF
BANKING AND FINANCE
Respondent

MARK COLLINS
Petitioner

vs.

GEORGIA DEPARTMENT OF
BANKING AND FINANCE
Respondent

AXIOM, INC.
Petitioner

vs.

GEORGIA DEPARTMENT OF
BANKING AND FINANCE
Respondent

FILED

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GEORGIA DEPARTMENT OF
BANKING AND FINANCE

DOCKET NO. DBF-MBL-09-021

CONSENT ORDER

On November 9, 2009, the Georgia Department of Banking and Finance ("Department") issued a Notice of Intent to Revoke Annual License to America's Mortgage Broker, LLC, mortgage lender license number 15600, for violations of the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000 *et seq.* ("GRMA"), including failing to properly maintain a mortgage loan transaction journal in violation of Department Rule 80-11-2-.03; transacting business in violation of O.C.G.A. § 7-1-1002(a) and (b) with a person who is unlicensed and unregistered, not exempt from licensing and registration requirements and who is not an employee of a mortgage broker or

lender; and, in violation of O.C.G.A. § 7-1-1002(c), for directly or indirectly controlling a person who violated O.C.G.A. § 7-1-1002(a) and (b).

On this same day, the Department issued a proposed Order to Cease and Desist to Mark Collins, chief executive officer of America's Mortgage Broker, LLC, for failing to properly maintain a mortgage loan transaction journal in violation of Department Rule 80-11-2-.03; transacting business in violation of O.C.G.A. § 7-1-1002(a) and (b) with a person who is unlicensed and unregistered, not exempt from licensing and registration requirements and who is not an employee of a mortgage broker or lender; and, in violation of O.C.G.A. § 7-1-1002(c), for directly or indirectly controlling a person who violated O.C.G.A. § 7-1-1002(a) and (b).

Also on this same day, the Department issued a proposed Order to Cease and Desist to Axiom, Inc., owner of America's Mortgage Broker, LLC, for failing to properly maintain a mortgage loan transaction journal in violation of Department Rule 80-11-2-.03; transacting business in violation of O.C.G.A. § 7-1-1002(a) and (b) with a person who is unlicensed and unregistered, not exempt from licensing and registration requirements and who is not an employee of a mortgage broker or lender; and, in violation of O.C.G.A. § 7-1-1002(c), for directly or indirectly controlling a person who violated O.C.G.A. § 7-1-1002(a) and (b).

The parties have reached a settlement of the issues raised by the Notice of Intent to Revoke Annual License and the proposed Orders to Cease and Desist and have agreed to a resolution of those matters in their entirety.

Accordingly, it is hereby ORDERED as follows:

1. America's Mortgage Broker, LLC will strictly comply with the terms of this Consent Order, the Georgia Fair Lending Act, O.C.G.A. § 7-6A-1 *et seq.*, and GRMA, as well as the Department's Rules enacted pursuant thereto. Failure to do so may result in additional

administrative action being brought against America's Mortgage Broker, LLC and any of its employees or agents.

2. America's Mortgage Broker, LLC shall develop and implement policies, procedures, and practices that will ensure compliance with all applicable Georgia Laws and Regulations. America's Mortgage Broker, LLC shall adopt best practices, including but not limited to the following:

- a. America's Mortgage Broker, LLC shall immediately implement measures to ensure that its business operations and employees are subject to an appropriate level of supervision at all times. For the purposes of this Consent Order, "supervision" shall mean daily management and oversight by the owners of America's Mortgage Broker, LLC that is reasonably designed to result in compliance with GRMA, and the rules of the Department by loan officers, in-house and third party processors and other individuals in the employ of America's Mortgage Broker, LLC.
- b. America's Mortgage Broker, LLC shall perform background checks for all new employees before or within 10 days of their initial hire. All background checks of employees that handle Georgia residential loan transactions shall be processed by the Georgia Crime Information Center. No individual shall be employed by America's Mortgage Broker, LLC if he or she is a first offender under sentence for the commission of a felony; entered a plea of nolo contendere to a felony charge; has been adjudicated without guilt for the commission of a felony; or has entered a plea to or has been convicted of a felony for which an official certification or pardon

has not been obtained that removes the legal disabilities resulting from such conviction and restores civil and political rights. America's Mortgage Broker, LLC will have the Georgia Crime Information Center perform background checks annually on its existing employees. Results of background checks shall be maintained in employees' personnel files and made available to the Department upon request. America's Mortgage Broker, LLC will ensure that any background checks performed by a third party will comply with the above requirements.

c. America's Mortgage Broker, LLC shall maintain a complete and current journal of Georgia residential mortgage loan transactions that shall comply with Department Rule 80-11-2-.03 and include, at a minimum, the following information:

- i. full names of proposed borrowers and co-borrowers and the last four digits of their social security number(s);
- ii. application dates;
- iii. names of loan officers responsible for loan applications whose names also appear on the applications; and,
- iv. dispositions of the applications and the disposition dates.

Failure to make an entry, or an inaccurate entry, of any or all of this information to the mortgage loan transaction journal within seven (7) business days from the date of the occurrence of the event required to be recorded shall be deemed a failure to keep the journal current and a violation of this Consent Order.

- d. For loans subject to the GRMA, America's Mortgage Broker, LLC shall not directly or indirectly transact business as a Georgia mortgage lender with any unlicensed "person," as defined by the GRMA, unless the person is exempt from the licensing or registration requirements under O.C.G.A. § 7-1-1001.
- e. America's Mortgage Broker, LLC shall maintain a record of the license numbers or exemption status of any broker, lender or processor with whom America's Mortgage Broker, LLC conducts business. This includes verifying the status of mortgage broker and mortgage lender licenses as well as the entry of any final administrative actions on the Department's website (www.dbf.georgia.gov) and the Department's Mortgage Summary publication on a monthly basis.
- f. America's Mortgage Broker, LLC shall adopt best practices for Quality Control and Fraud Prevention and Detection. For purposes of this Consent Order, "Quality Control" shall mean a system for ensuring the maintenance of proper loan origination and processing standards, especially by periodic, random inspection. Chief Executive Officer, Mark Collins, or his approved designee, shall perform a monthly quality control review of a minimum of 10% of the GRMA loans originated or closed within the month.

3. Within 45 days of the effective date of this Consent Order, America's Mortgage Broker, LLC shall provide to the Department a copy of documentation evidencing the internal policies, procedures and best practices identified in Paragraph 2.

4. All written reports and notifications required by this Consent Order shall be mailed to:

Georgia Department of Banking and Finance
Attention: Director of Mortgage Supervision
2990 Brandywine Road, Suite 200
Atlanta, Georgia 30341

5. The Department shall rescind the proposed Order to Cease and Desist issued to Mark Collins after the entry of this Consent Order.

6. The Department shall rescind the proposed Order to Cease and Desist issued to Axiom, Inc. after the entry of this Consent Order.

7. The Department shall withdraw the Notice of Intent to Revoke issued to America's Mortgage Broker, LLC after entry of this Consent Order.

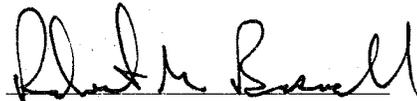
8. America's Mortgage Broker, LLC shall pay fines in the amount of \$6,500 to the Department in satisfaction of any monetary claims that have been assessed and are currently due and payable by the Department as a result of the examination of America's Mortgage Broker, LLC. The fines shall be paid in certified funds and shall be remitted contemporaneously with the entry of this Order.

9. America's Mortgage Broker, LLC shall contribute \$2,000 to the State Regulatory Registry, LLC, a wholly-owned subsidiary of the Conference of State Bank Supervisors ("CSBS") to support the Nationwide Mortgage Licensing System, jointly sponsored by CSBS and the American Association of Residential Mortgage Regulators. This contribution shall be paid in certified funds, be made payable to the State Regulatory Registry, LLC, and shall be remitted contemporaneously with the entry of this Consent Order.

10. The terms of this Order may be enforced by the Department pursuant to O.C.G.A. §§ 7-1-1017(g) and 7-1-1018(b).

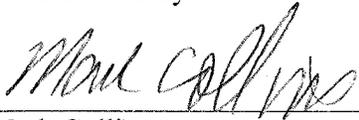
11. The Consent Order shall be regarded as a public document that the Department may publish in the same manner as a final order of this agency.

SO ORDERED AND ENTERED, this 1st day of December 2009.



ROBERT M. BRASWELL
Commissioner
Georgia Department of Banking and Finance

Consented to by:



Mark Collins
America's Mortgage Broker, LLC
324 North Dale Mabry Highway, Suite 203
Tampa, Florida 33609



Rod Carnes, Deputy Commissioner
Department of Banking and Finance
2990 Brandywine Road, Suite 200
Atlanta, Georgia 30341

In his individual capacity, CEO of America's Mortgage Broker, LLC and as an officer of Axiom, Inc.