

Orders alleged that Equity, Eduardo Gutierrez Perez, Jr. and Kunjan R. Patel transacted business with a person who is unlicensed and unregistered and not exempt from licensing and registration requirements in violation of O.C.G.A. §7-1-1002(a) and (b) and further violated O.C.G.A. §7-1-1002(c), by directly or indirectly controlling a person who violated O.C.G.A. §7-1-1002 (a) and (b).

The Department received timely requests for hearings from Equity, Eduardo Gutierrez Perez, Jr., and Kunjan R. Patel.

The parties have reached a settlement of the issues raised by the Notices and proposed Orders and have agreed to a resolution of those matters in their entirety.

Accordingly, it is hereby ORDERED as follows:

1. Equity shall strictly comply with the terms of this Consent Order, the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000 *et seq.*, as well as the Department's Rules enacted pursuant thereto.

2. Equity shall develop and implement policies, procedures, and practices that will ensure compliance with all applicable Georgia laws and regulations. Equity shall adopt best practices, including but not limited to ensuring 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 that is reasonably designed to result in compliance with GRMA, and the rules of the Department by branch managers, licensed mortgage loan originators and other non-licensed individuals in the employ of Equity.

3. Equity shall initiate background checks for all covered employees within 10 days of their initial hire. All background checks shall be handled by the Georgia Crime Information Center ("G.C.I.C."), in compliance with O.C.G.A. § 7-1-1004(k). Results of background checks shall be maintained in employees' personnel files and made available to the Department upon request. Equity shall adopt best practices for Quality Control. For purposes of this Consent Order, "Quality Control" shall mean a system of ensuring proper loan origination by licensed mortgage loan originators, especially by periodic, random inspection, to include but not be limited to:

a. Equity shall maintain a record of the license numbers or exemption status of any loan originator, broker, lender or processor with whom Equity conducts business that falls within the scope of GRMA. This includes verifying the status of mortgage loan originator, broker and 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.

b. Equity shall expressly state in written policies and procedures, the assigned duties of both licensed and non-licensed employees. Equity shall not permit any employees to take a residential mortgage loan or offer or negotiate terms of a residential mortgage application unless that person is a mortgage loan originator licensed by the Department or is otherwise exempt from licensing. Nothing herein shall prohibit a loan processor from performing clerical or support duties subsequent to the receipt of an application, in accordance with O.C.G.A. §7-1-1000 (15) and O.C.G.A. § 7-1-1001(22).

4. Equity shall submit an application for approval of all new branch managers within 15 days of placement and shall remove the person immediately should the department deny approval, as provided for in O.C.G.A. § 7-1-1006(g).

5. Mr. Perez shall strictly comply with the terms of this Consent Order, the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000 *et seq.*, as well as the Department's Rules enacted pursuant thereto. Failure to do so may result in additional administrative action being brought against Mr. Perez.

6. Mr. Patel shall strictly comply with the terms of this Consent Order, the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000 *et seq.*, as well as the Department's Rules enacted pursuant thereto. Failure to do so may result in additional administrative action being brought against Mr. Patel.

7. The Department shall rescind the Notice of Intent to Revoke Annual License issued to Equity Loans, LLC on September 19, 2013.

8. The Department shall rescind the Notice of Intent to Revoke Mortgage Loan Originator's License and proposed Order to Cease and Desist issued to Eduardo Gutierrez Perez, Jr. on September 19, 2013.

9. The Department shall rescind the proposed Order to Cease and Desist issued to Kunjan R. Patel on September 19, 2013.

10. The requests for hearings in response to the Notices and Orders shall be withdrawn.

11. All written notifications and requests for approval required by this Consent Order shall be mailed to:

Georgia Department of Banking and Finance
Attn: Director of Non-Depository Financial Institutions Division
2990 Brandywine Road, Suite 200
Atlanta, Georgia 30341

12. Equity shall remit to the Department \$8,500 in full and final satisfaction of any and all monetary claims that have or could have been brought by this agency in connection with the violations for which the proposed Notice of Intent to Revoke Annual License dated September 19, 2013, was issued. The amount shall be paid in certified funds and shall be remitted contemporaneously with the entry of this Order.

13. Equity 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 and Registry. This contribution shall be paid in certified funds, be made payable to the State Regulatory Registry, LLC, and shall be remitted to the Department contemporaneously with the execution of this Consent Order.

14. Kunjan R. Patel shall contribute \$500 to the State Regulatory Registry, LLC a wholly-owned subsidiary of the Conference of State Bank Supervisors ("CSBS") to support the Nationwide Mortgage Licensing and Registry. This contribution shall be paid in certified funds, be made payable to the State Regulatory Registry, LLC, and shall be remitted to the Department contemporaneously with the execution of this Consent Order.

15. Eduardo Gutierrez Perez, Jr. shall contribute \$500 to the State Regulatory Registry, LLC a wholly-owned subsidiary of the Conference of State Bank Supervisors ("CSBS") to support the Nationwide Mortgage Licensing and Registry. This contribution shall be paid in certified funds, be made payable to the State Regulatory Registry, LLC, and shall be remitted to the Department contemporaneously with the execution of this Consent Order.

16. Within ten business days of the date of entry of this Consent Order, Eduardo Gutierrez Perez, Jr., Equity, and Kunjan R. Patel shall update the Disclosure Question responses on the NMLSR to reflect this Consent Order resolving the administrative actions and the restrictions set forth therein.

17. The entry of this Consent Order will resolve the administrative actions pending against Equity, Kunjan R. Patel, and Eduardo Gutierrez Perez, Jr. that were identified by the Department in its Notices and proposed Orders.

18. The terms of this Consent Order may be enforced by the Department in accordance with and pursuant to state law including but not limited to O.C.G.A. §§ 7-1-1017(g) and 7-1-1018(b).

19. This 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 7th day of November 2013.



Kevin Hagler
Commissioner
Georgia Department of Banking and Finance

Consented to by:



Kunjan R. Patel
Equity Loans, LLC
1150 Hammond Dr., Building E, Suite 650
Atlanta, Georgia 30328
*In his individual capacity and as CEO of Equity
Loans, LLC*



Date _____

Eduardo Gutierrez Perez, Jr.
Equity Loans, LLC
1150 Hammond Dr., Building E, Suite 650
Atlanta, Georgia 30328
*In his individual capacity and as President of
Equity Loans, LLC*



Date 11/07/13

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

Approved as to form



Date Nov 6, 2013

Matt Towery, Of Counsel
Hall Booth Smith, P.C.
191 Peachtree Street NE, Suite 2900
Atlanta, GA 30303-1775