

STATE OF NEW JERSEY



DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

CONSENT ORDER NO. E17-018086

IN THE MATTER OF:)
AMERICAN FINANCIAL NETWORK, INC.) CONSENT ORDER
NMLS #: 237341)

JOHN SHERMAN)
AMERICAN FINANCIAL NETWORK, INC.)
10 POINT DRIVE, SUITE 330)
BREA, CA 92821)

JOHN SHERMAN)
AMERICAN FINANCIAL NETWORK, INC.)
12446 CANAL DRIVE, UNIT 3)
RANCHO CUCAMONGA, CA 91739)

This matter having been opened to the Office of Consumer Finance within the Division of Banking of the New Jersey Department of Banking and Insurance ("Department") upon information pursuant to the last examination of American Financial Network, Inc. ("the Licensee"), at all times relevant to this Consent Order, a licensed New Jersey Residential Mortgage Lender pursuant to the New Jersey Residential Mortgage Lending Act N.J.S.A. 17:11C-51 et seq., ("the Act") may have violated certain provisions of the Act and its implementing rules; and

WHEREAS IT APPEARS that the Licensee has violated the following:

1. N.J.A.C. 3:15-3.1 Bond requirements (b)

The examination determined that the licensee did not maintain adequate surety bond coverage pursuant to the closed loan volume information provided in its 2015 Annual

Report filing. Based on the volume reported, the Licensee's surety bond amount of \$150,000 should have been increased to \$250,000. The Licensee has since increased its surety bond to the required \$250,000 amount.

WHEREAS, in the event that the Commissioner issued an administrative Order to Show Cause to the Licensee addressing the above-referenced apparent violations, the Licensee would be entitled to request a hearing of the matter as a contested case in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.; and

WHEREAS the Licensee understands these rights and has voluntarily waived the right to a hearing on the matters addressed in this Consent Order; and

WHEREAS, the Licensee has agreed for purposes of settlement to ensure that it maintains the adequate amount of surety bond coverage as required; and

WHEREAS, without making any admission of liability with respect to any of the apparent violations cited in this Consent Order, the Licensee has agreed for purposes of settlement to pay civil administrative penalties in the amount of \$3,500; and

WHEREAS the parties to this Consent Order have determined that this matter is suitable for resolution upon the consent of the parties and that the Licensee and the Department desire to resolve this matter without a hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS on this 1st day of March 2017, ORDERED

AND AGREED as follows:

1. The Licensee will ensure that it maintains the adequate amount of surety bond coverage as required.

2. Licensee shall pay civil administrative penalties in the amount of \$3,500.

Payment shall be made as follows. The amount of said penalties is due in full upon entry into this Consent Order by means of a certified check, bank check or money order made payable to the "Treasurer, State of New Jersey" to be sent to:

Department of Banking and Insurance
Collections Bureau
P.O. Box 325
Trenton, New Jersey 08625
Attention: Rose McGill

This Consent Order shall be duly signed by an authorized representative of the Licensee and sent along with a copy of the proof of payment as listed above to:

Department of Banking and Insurance
Office of Consumer Finance
P.O. Box 040
Trenton, New Jersey 08625
Attention: Troy Dayton

3. Licensee consents to the entry of this Consent Order as a final administrative order, and Licensee understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et seq.

Consented to with respect to
both form and content:

[LICENSEE]

By: _____

Print Name: ANDREW S. KALYVIARIS, ESQ.

Title: CHIEF COMPLIANCE OFFICER / ASSOC. GENERAL COUNSEL

Date: 2/27/17

It is so ordered:

RICHARD J. BADOLATO, COMMISSIONER
NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE

By:

A handwritten signature in blue ink, appearing to read "Tom M. Hunt", is written over a horizontal line.

Thomas M. Hunt, Assistant Director
Office of Consumer Finance