

STATE OF NEW JERSEY



DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

CONSENT ORDER NO. E17-018187

IN THE MATTER OF:)
EQUITY PRIME MORTGAGE, LLC) CONSENT ORDER
NMLS #: 21116)

EDUARDO PEREZ)
EQUITY PRIME MORTGAGE, LLC)
5 CONCOURSE PARKWAY, SUITE 2250)
ATLANTA, GA 30328)

EDUARDO PEREZ)
EQUITY PRIME MORTGAGE, LLC)
135 OLD CEDAR LANE)
MILTON, GA 30004)

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 Equity Prime Mortgage, LLC (“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.S.A. 17:11C-56 b. Conditions for issuance of licenses for residential mortgage lenders, brokers

The examination determined that James Minghini, Chief Compliance Officer for the licensee had not submitted his fingerprints as required, an ongoing violation since September 15, 2015.

2. N.J.S.A. 17:11C-65 a. Maintenance of branch offices by business licensee

The examination found that the licensee has continued to operate a branch office at 333 Littleton Road FL 1, Suite 205 in Parsippany New Jersey after the license for the branch was terminated on February 23, 2016.

3. N.J.A.C. 3:1-16.2 (a) 7. xv. Fees

The examination identified that the licensee charged an impermissible “underwriting fee” to borrowers. This was noted as a repeat violation from the previous examination.

4. N.J.A.C. 3:1-16.1 Definitions “Commitment”

The examination findings noted that the licensee charged a Commitment Fee without a valid commitment on file. Notably, the Commitment on file did not meet the definition of a Commitment as it was contingent to a satisfactory appraisal and/or credit report.

This was identified as a repeat violation from the previous examination.

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 promptly provides fingerprints for Mr. Minghini, obtain/maintain all relevant branch**

licenses, and corrects its origination processes to eliminate the above cited violations 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 \$10,000; 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 17th day of May 2017, ORDERED AND AGREED as follows:

1. The Licensee will ensure that it promptly provides fingerprints for Mr. Minghini, obtain/maintain all relevant branch licenses, and corrects its origination processes to eliminate the above cited violations as required.
2. Licensee shall pay civil administrative penalties in the amount of \$10,000.

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: Eduardo Perez

Title: President

Date: 5/12/2017

It is so ordered:

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

By:

 _____

Thomas M. Hunt, Assistant Director
Office of Consumer Finance

MEMO
TREASURER, STATE OF NEW JERSEY
DEPARTMENT OF BANKING & INSURANCE
P.O. Box 325
Trenton, NJ 08625



[Handwritten Signature]
AUTHORIZED SIGNATURE

⑈008162⑈ ⑆122105980⑆ 8011051861⑈

EQUITY PRIME MORTGAGE

1100 C 8162

816.

Invoice Date	Invoice Number	Invoice Description	Amount
05/10/17	05102017	Administrative Penalty	10,000

Paid to: **TREASURER: STATE OF NEW JERSEY**
Date: 5/15/2017

_____ **\$10,000**