

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

_____	)	FINAL ORDER
Carl DiAntonio, NMLS Reference No.	)	
218391,	)	
	)	
and	)	
	)	
Horizon Lending Inc., NMLS Reference No.	)	
1806029.	)	
_____	)	

TO: Carl DiAntonio
1 Radcliff Court
Sicklerville, New Jersey 08081

Horizon Lending Inc.
In care of: Carl DiAntonio
1 Radcliff Court
Sicklerville, New Jersey 08081

THIS MATTER having been opened by the Commissioner (“Commissioner”) of the New Jersey Department of Banking and Insurance (“Department”), upon information that Carl DiAntonio and Horizon Lending Inc. d/b/a Motto Mortgage Horizon (collectively, “Respondents”), may have failed to secure and safeguard their books, accounts, records, and other documents pertaining to their mortgage origination business in violation of the New Jersey Residential Mortgage Lending Act, N.J.S.A. 17:11C-51 to -81 (“Act”), and corresponding regulations, N.J.A.C. 3:15–1.1 to -12.4; and

WHEREAS, Respondent Carl DiAntonio was formerly licensed by the Department as a mortgage loan originator until his license expired on January 1, 2021; and

WHEREAS, additionally, Respondent Carl DiAntonio was formerly licensed by the Department as a qualified individual licensee until his license expired on January 1, 2021; and

WHEREAS, Respondent Horizon Lending Inc. was formerly licensed by the Department as a residential mortgage broker until its license expired on January 1, 2020; and

WHEREAS, Respondent Carl DiAntonio was the sole owner and principal of Respondent Horizon Lending Inc.; and

WHEREAS, Respondents are subject to the provisions of the Act and corresponding regulations; and

WHEREAS, pursuant to N.J.S.A. 17:11C-70(a)(3)(a), the Commissioner may revoke or suspend the license of a mortgage loan originator, or impose a penalty, if the Commissioner finds that the licensee had violated any of the provisions of this Act or any order, rule or regulation made or issued pursuant to this Act; and

WHEREAS, pursuant to N.J.S.A. 17:11C-70(a)(3)(f), the Commissioner may revoke or suspend the license of a mortgage loan originator, or impose a penalty, if the Commissioner finds that the licensee had demonstrated unworthiness, incompetence, bad faith or dishonesty in the transaction of business as a licensee; and

WHEREAS, pursuant to N.J.S.A. 17:11C-70(a)(3)(g), the Commissioner may revoke or suspend the license of a mortgage loan originator, or impose a penalty, if the Commissioner finds that the licensee had engaged in any other conduct which would be deemed by the Commissioner to be the cause for denial, revocation, suspension, or refusal of the license or license renewal; and

WHEREAS, pursuant to N.J.S.A. 17:11C-70(a)(4), a license of a business licensee may be suspended, revoked, or not renewed if any officer, director, partner, or owner of the licensee has committed any act which would be cause for suspending, revoking or not renewing a license if issued to that person as an individual; and

WHEREAS, pursuant to N.J.S.A. 17:11C-70(b)(1), the Commissioner may access and examine books, accounts, records and other documents maintained by a licensee; and

WHEREAS, pursuant to N.J.S.A. 17:11C-70(b)(7), the Commissioner may order any remedial action with respect to a violation of the Act as the Commissioner deems necessary; and

WHEREAS, pursuant to N.J.S.A. 17:11C-71(c)(1), every licensee shall preserve all books, accounts, records and other documents pertaining to its business, and keep them available for examination by the Commissioner, for at least three years from the date of original entry, or a longer time as prescribed by the Commissioner by regulation; and

WHEREAS, pursuant to N.J.A.C. 3:15-1.3(a), licensees are required to maintain the confidentiality of any financial information in accordance with all applicable Federal and State laws and rules; and

WHEREAS, pursuant to N.J.A.C. 3:15-1.3(a)(1), licensees are required to ensure the maintenance of a consumer's right to privacy with respect to conversations and documents involving personal and financial information; and

WHEREAS, the Commissioner issued Order to Show Cause OCF22-23 on July 20, 2022, alleging violations of the Act by Respondents as follows:

COUNT 1

IT APPEARING that, at all relevant times, Respondents conducted mortgage origination business out of a licensed office location at

102 Independence Blvd., Sicklerville, New Jersey 08081 (“licensed location”); and

IT FURTHER APPEARING that Respondents maintained their books, accounts, records, and other documents pertaining to their mortgage origination business at their licensed location; and

IT FURTHER APPEARING that the licensed location was an office building leased by Respondents; and

IT FURTHER APPEARING that since at least November 2019, Respondents abandoned their office at the licensed location; and

IT FURTHER APPEARING that upon abandoning their office, Respondents failed to safeguard and secure their books, accounts, records, and other documents pertaining to their mortgage origination business, and Respondents left their books and records unsupervised at the licensed location; and

IT FURTHER APPEARING that, among the unsafeguarded and unsecured records were consumers’ tax forms, bank statements, and other documents containing sensitive, private, and confidential information; and

IT FURTHER APPEARING that Respondents also left unsupervised and abandoned several computers containing consumers’ tax forms, bank statements, and other documents containing sensitive, private, and confidential information; and

IT FURTHER APPEARING that Respondents failed to notify the Department of the abandonment of the licensed location and did not seek the Department’s approval to properly surrender the license or to relocate to a new location; and

IT FURTHER APPEARING that in November 2019, Respondents stopped paying rent for the licensed location, and the landlord of the licensed location initiated eviction proceedings in the Camden County Superior Court, Special Civil Part; and

IT FURTHER APPEARING that on January 7, 2021, the Camden County Superior Court, Special Civil Part, issued an Order of Possession in favor of the landlord; and

IT FURTHER APPEARING that on February 5, 2021, the Camden County Superior Court, Special Civil Part, issued an

Order of Removal in favor of the landlord ordering removal of Respondents and their property from the licensed location; and

IT FURTHER APPEARING that on March 21, 2021, the Commissioner issued an Order for Possession of Records, Order No. OCF21-03, and pursuant to that Order, the Department obtained possession of Respondents' books, accounts, records, other documents, and computers abandoned by Respondents at 102 Independence Blvd., Sicklerville, New Jersey 08081; and

IT FURTHER APPEARING that by failing to secure and safeguard their books, accounts, records, and other documents pertaining to their mortgage origination business, Respondents violated N.J.S.A. 17:11C-71(c)(1), N.J.A.C. 3:15-1.3(a), and N.J.A.C. 3:15-1.3(a)(1); and

WHEREAS, as set forth in the certification of service of Garen Gazaryan, Deputy Attorney General, attached hereto as Exhibit A, Respondents were given notice of the aforesaid charges and an opportunity to contest the charges at a hearing pursuant to the Order to Show Cause, which was duly served upon Respondents by certified and regular mail to their last known mailing address; and

WHEREAS, Respondents failed to provide written responses to the charges contained in the Order to Show Cause, and therefore Respondents have waived their right to a hearing to contest these charges and the charges are deemed admitted; and

WHEREAS, the Commissioner has reviewed the civil penalty factors under Kimmelman v. Henkels & McCoy, Inc., 108 N.J. 123, 137-139 (1987), and finds that Respondents showed bad faith by failing to orderly close their business and by leaving unsupervised and abandoning several computers containing consumers' tax forms, bank statements, and other documents containing sensitive, private, and confidential information; and

NOW, THEREFORE, IT IS on this 3 day of February 2023,

ORDERED, that the charges contained in Count One of the Order to Show Cause are deemed admitted by Respondents; and

IT IS FURTHER ORDERED that, pursuant to N.J.S.A. 17:11C-70(a)(3)(a), (a)(3)(f), and (a)(3)(g), the expired mortgage loan originator license and expired qualified individual license of Respondent Carl DiAntonio is hereby **REVOKED** effective upon the execution of this Final Order by the Commissioner; and

IT IS FURTHER ORDERED that, pursuant to pursuant to N.J.S.A. 17:11C-70(a)(3)(a), (a)(3)(f), and (a)(3)(g), and N.J.S.A. 17:11C-70(a)(4), the expired residential mortgage broker license of Respondent Horizon Lending Inc. is hereby **REVOKED** effective upon the execution of this Final Order by the Commissioner; and

IT IS FURTHER ORDERED that, based on the Kimmelman analysis above, Respondents are assessed and shall pay a civil penalty of \$25,000.00, jointly and severally, to the Commissioner for one violation of the Act, pursuant to N.J.S.A. 17:11C-70(b)(4); and

IT IS FURTHER ORDERED, that Respondents shall remit the payment of \$25,000.00 to the Commissioner of Banking and Insurance, State of New Jersey, P.O. Box 040, Trenton, New Jersey 08625, Attention: Paulette Sibblies-Flagg, OCF Enforcement Unit, by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury," within ten days from the date of service of this Order; and

IT IS FURTHER ORDERED, that in the event full payment of the penalty and costs is not made, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties, in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12; and

IT IS FURTHER ORDERED, that the civil penalty in this Final Order is imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and is not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT IS FURTHER ORDERED, that the provisions of this Final Order represent a final agency decision and constitute a final resolution of the allegations contained in the Order to Show Cause.



Marlene Caride
Commissioner