
*
IN THE MATTER OF: *
*
LEADPOINT, INC. *
d/b/a SECURE RIGHTS *
NMLS # 3175 *
*
(“LeadPoint”) *
*

CONSENT ORDER

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part I of Chapter 668, Sections 36a-485 to 36a-534b, inclusive, of the Connecticut General Statutes, “Mortgage Lenders, Correspondent Lenders, Brokers and Loan Originators”;

WHEREAS, LeadPoint is a Delaware corporation with an office located at 11801 Mississippi Avenue, Suite 100, Los Angeles, California;

WHEREAS, on February 7, 2019, LeadPoint filed an application with the Commissioner on the Nationwide Multistate Licensing System and Registry (“NMLS”) to obtain a license to act as a lead generator in Connecticut, which application is currently pending;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking, conducted an investigation pursuant to Section 36a-17 of the Connecticut General Statutes into the activities of LeadPoint to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner;

WHEREAS, LeadPoint was licensed as a mortgage broker in Connecticut from April 15, 2005, to January 1, 2015, when LeadPoint failed to renew such license;

WHEREAS, LeadPoint disclosed in its business activities section on NMLS that it provides mortgage loan lead generation in this state;

WHEREAS, Section 36a-486(b)(5) of the Connecticut General Statutes provides, in pertinent part, that: “On and after January 1, 2018, no person shall, directly or indirectly, act as a lead generator without first obtaining a license under section 36a-489, unless such person is exempt from licensure”;

WHEREAS, LeadPoint did not obtain a lead generator license at any point on or after January 1, 2018, as required by Section 36a-486(b)(5) of the Connecticut General Statutes, nor was LeadPoint exempt from licensure;

WHEREAS, the Commissioner believes that such allegation would support initiation of enforcement proceedings against LeadPoint, including, without limitation, proceedings to issue a cease and desist order pursuant to Sections 36a-494 and 36a-52(a) of the Connecticut General Statutes and to impose a civil penalty of up to One Hundred Thousand Dollars (\$100,000) per violation pursuant to Sections 36a-494 and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, initiation of such enforcement proceedings against LeadPoint would constitute a “contested case” within the meaning of Section 4-166(4) of the Connecticut General Statutes;

WHEREAS, Section 4-177(c) of the Connecticut General Statutes and Section 36a-1-55(a) of the Regulations of Connecticut State Agencies provide that a contested case may be resolved by consent order, unless precluded by law;

WHEREAS, both the Commissioner and LeadPoint acknowledge the possible consequences of formal administrative proceedings, and LeadPoint voluntarily agrees to consent to the entry of the sanctions imposed below solely for the purpose of obviating the need for formal administrative proceedings concerning the allegation set forth herein;

WHEREAS, the Commissioner and LeadPoint now desire to resolve the matters set forth herein;

WHEREAS, LeadPoint specifically assures the Commissioner that the violation alleged herein shall not occur in the future;

WHEREAS, LeadPoint acknowledges that this Consent Order is a public record and is a reportable event for purposes of NMLS, as applicable;

AND WHEREAS, LeadPoint, through its execution of this Consent Order, voluntarily agrees to waive its procedural rights, including a right to a notice and an opportunity for a hearing as it pertains to the allegation set forth herein, and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order.

CONSENT TO ENTRY OF SANCTIONS

WHEREAS, LeadPoint, through its execution of this Consent Order, consents to the Commissioner's entry of a Consent Order imposing the following sanctions:

1. No later than the date this Consent Order is executed by LeadPoint, it shall remit to the Department of Banking by wire transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Ten Thousand Dollars (\$10,000) as a civil penalty; and
2. LeadPoint shall cease and desist from engaging in lead generation activities in this state without first obtaining a license, in violation of Section 36a-486(b)(5) of the Connecticut General Statutes.

CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Sanctions set forth above be and are hereby entered;
2. Upon issuance of this Consent Order by the Commissioner, this matter will be resolved and the Commissioner will not take any future enforcement action against LeadPoint based upon the allegation contained herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against LeadPoint based upon a violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by LeadPoint and reflected herein is subsequently discovered to be untrue;
3. LeadPoint shall not take any action or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis;
4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by LeadPoint, as applicable, on NMLS, nothing in the issuance of this Consent Order shall adversely affect the ability of LeadPoint to apply for or obtain licenses or renewal licenses under Part I of Chapter 668, Sections 36a-485 *et seq.*, of the Connecticut General Statutes, provided all

applicable legal requirements for such license are satisfied and the terms of this Consent Order are followed;

5. This Consent Order shall be binding on LeadPoint and its successors and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 23rd day of January 2020.

/s/

Jorge L. Perez
Banking Commissioner

I, Diana Leslie, state on behalf of LeadPoint, Inc. d/b/a Secure Rights, that I have read the foregoing Consent Order; that I know and fully understand its contents; that I am authorized to execute this Consent Order on behalf of LeadPoint, Inc. d/b/a Secure Rights; that LeadPoint, Inc. d/b/a Secure Rights, agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that LeadPoint, Inc. d/b/a Secure Rights, voluntarily agrees to enter into this Consent Order, expressly waiving the procedural rights set forth herein as to the matters described herein.

By: /s/
Name: Diana Leslie
Title: Vice President
LeadPoint, Inc. d/b/a Secure Rights

State of: California

County of: Los Angeles

On 01-17-2020 before me, Amanda Danielle Romero, Notary Public, personally appeared Diana Leslie, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WTINESS my hand and official seal.

/s/
Notary Public
Date Commission Expires: Jul 13, 2021