
*
IN THE MATTER OF: *
*
EQUITY MORTGAGE, INC. *
d/b/a EQUITY LENDING *
NMLS # 243756 *
*
(“Equity Mortgage”) *
*

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, Equity Mortgage is an Ohio corporation that is currently licensed as a mortgage broker under Part I of Chapter 668, Sections 36a-485 *et seq.*, of the Connecticut General Statutes;

WHEREAS, Section 36a-490(b)(2) of the 2022 Supplement to the General Statutes requires that a mortgage broker licensee file with the Nationwide Multistate Licensing System and Registry (“NMLS”) a change of the address of its main office at least thirty (30) calendar days prior to such change, and provide directly to the Commissioner a bond rider or endorsement, or addendum, as applicable, to the surety bond on file with the Commissioner that reflects the new address of the main office;

WHEREAS, Equity Mortgage failed to file with NMLS a change of the address of its main office, previously 7020 Carriage Hill Drive, 203, Brecksville, Ohio, now 936 SOM Center Road, A1, Mayfield Village, Ohio, at least thirty (30) calendar days prior to such change and failed to provide a bond rider or endorsement or addendum, as applicable, to the surety bond on file with the Commissioner;

WHEREAS, the Commissioner believes that such allegation would support initiation of proceedings against Equity Mortgage, which proceedings would constitute a “contested case” within the meaning of Section 4-166(4) of the Connecticut General Statutes. 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, Equity Mortgage, 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, voluntarily agrees to consent to the entry of the sanction imposed below and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order;

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

WHEREAS, Section 36a-51(c)(1) of the Connecticut General Statutes provides, in relevant part, that “[a]ny licensee may surrender any license issued by the commissioner under any provision of the general statutes by surrendering the license to the commissioner in person or by registered or certified mail, provided, in the case of a license issued through the system, as defined in section 36a-2, such surrender shall be initiated by filing a request to surrender on the system. No surrender on the system shall be effective until the request to surrender is accepted by the commissioner”;

AND WHEREAS, Equity Mortgage herein represents to the Commissioner that it has reviewed and updated its internal policies, procedures and controls to ensure that Equity Mortgage will file any change it makes to its name or any address of any office specified on its most recent filing with NMLS at least thirty (30) calendar days prior to such change and, in connection with such change, Equity Mortgage will provide directly to the Commissioner a bond rider or endorsement, or addendum, as applicable, to the surety bond on file with the Commissioner that reflects such change.

CONSENT TO ENTRY OF SANCTION

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

No later than the date this Consent Order is executed by Equity Mortgage, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Five Hundred Dollars (\$500) as a civil penalty.

CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Sanction set forth above be and is hereby entered;
2. Upon issuance of this Consent Order by the Commissioner, the surrender of the license to act as a mortgage broker in Connecticut shall become effective;
3. 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 Equity Mortgage 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 Equity Mortgage 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 Equity Mortgage and reflected herein is subsequently discovered to be untrue;
4. Equity Mortgage shall not take any action or make or permit to be made any public statement, including in regulatory filings, any proceeding in any forum 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. Except as specifically provided herein, Equity Mortgage shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. Nothing in this provision affects Equity Mortgage's (i) testimonial obligations, or (ii) right to take any legal or factual position that may contradict an allegation in this Consent Order in litigation or other legal proceedings in which the Commissioner is not a party;
5. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by Equity Mortgage and its control persons, as applicable, on NMLS, nothing in the issuance of this Consent Order shall adversely affect the ability of Equity Mortgage 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;

6. This Consent Order shall be binding upon Equity Mortgage and its successors and assigns; and
7. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 30th day of March 2023.

_____/s/_____
Jorge L. Perez
Banking Commissioner

