

ORDER
BEFORE THE ADMINISTRATOR
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF BANKING

*Via Certified
and Regular
Mail to all
4. 1/25/07*

TO: Money Tree MLG, Inc.
1000 N. Water Street, Suite 200
Milwaukee, WI 53202
Respondent

Money Tree Financial Services, Inc.
1000 N. Water Street, Suite 200
Milwaukee, WI 53202
Respondent

Ameritree National Mortgage, Inc.
1000 N. Water Street, Suite 200
Milwaukee, WI 53202
Respondent

Adam Wallow

Cedarburg, WI 53024
Respondent

PURPOSE

1. This is an order issued by the Administrator, State of Wisconsin, Department of Financial Institutions, Division of Banking and directed to respondent.

JURISDICTION and AUTHORITY

2. The State of Wisconsin, Department of Financial Institutions, Division of Banking ("division") shall enforce and carry out all laws relating to mortgage bankers, mortgage brokers and loan originators in the State of Wisconsin, and shall enforce and cause to be enforced every law relating to the supervision and control thereof. Ch. 224, subch. III, Stats.

3. None of the respondents hold a certificate of registration under ch. 224, subch. III, Stats., with the division. Upon information and belief, respondents are located at the addresses indicated above.

4. The division may issue general and special orders necessary to prevent or correct actions by a mortgage banker, loan originator or mortgage broker that constitute

cause under s. 224.77, Stats., for revoking, suspending or limiting a certificate of registration. Sec. 224.77(3)(a), Stats.

5. Special orders may direct a mortgage banker, loan originator or mortgage broker to cease and desist from engaging in a particular activity or may direct the mortgage banker, loan originator or mortgage broker to refund or remit certain amounts. Sec. 224.77(3)(b), Stats.

6. The division may assess against a person who is registered under ch. 224, Stats., a forfeiture of not more than \$2,000 for each violation enumerated under ss. 224.77(1)(a) to (o) or (r), Stats. Sec. 224.77(1m), Stats.

FINDINGS

The division finds as follows:

Background

7. On or about March 13, 2006, the division received a mortgage banker license application from Money Tree MLG, Inc. dba Money Tree FSI ("MLG"). The application identifies Adam J. Wallow ("Wallow") as MLG's sole officer and 100% owner.

8. MLG's application for a mortgage banker certificate of registration was denied by the division on January 25, 2007.

9. On or about December 19, 2006, the division received a mortgage broker license renewal application from Money Tree Financial Services, Inc. dba Money Tree FSI ("MTF"). The application identifies Wallow as MTF's sole officer and 100% owner.

10. MTF's Wisconsin mortgage broker certificate of registration expired on January 1, 2007.

11. MTF's application for a mortgage broker certificate of registration was denied by the division on January 25, 2007.

12. On or about December 18, 2006, the division received a loan originator license renewal application from Wallow.

13. Wallow's Wisconsin loan originator certificate of registration expired on January 1, 2007.

14. Wallow's application for a loan originator certificate of registration was denied by the division on January 25, 2007.

Unlicensed activity

15. On or about January 11, 2007, the division received a Fax Transmittal from a representative at New Century Mortgage Corporation ("NCMC"), a mortgage banker. Included with the transmittal was a copy of the mortgage broker certificate of registration that MTF had sent to NCMC. On that certificate, the portion that indicated it

"continues in effect until the 1st day of January, 2007," had been changed to indicate it "continues in effect until the 1st day of January, 2008." **Exs. 1 and 2.**

16. Pursuant to s. 224.72(1m), Stats., a person may not act as a mortgage banker, loan originator or mortgage broker, use the title "mortgage banker", "loan originator" or "mortgage broker", or advertise or otherwise portray himself or herself as a mortgage banker, loan originator or mortgage broker, unless the person has been issued a certificate of registration from the division.

17. MTF and Wallow have violated s. 224.72(1m), Stats., by acting as a mortgage banker, loan originator or mortgage broker, using the title "mortgage banker", "loan originator" or "mortgage broker", or advertising or otherwise portraying himself or herself as a mortgage banker, loan originator or mortgage broker, after MTF's certificate of registration from the division expired.

18. ANM was incorporated on October 19, 2006. Wallow is ANM's registered agent. **Ex. 3.**

19. ANM's website is active and advertises "**Get the best mortgage loan for you.** When you decide to buy a home or refinance a mortgage, it's a big step. You can trust us to find the loan program that's best for you." **Ex. 4.**

20. When printed, the home page of ANM's website lists on the upper left hand corner "WI mortgages: WI mortgage rates and home loans." **Ex. 4.**

21. ANM's website allows a customer to complete an online application after the customer creates a "login." **Ex. 5.**

22. When creating a login, the applicant is asked to identify the "Staff member you've been in contact with." By use of a "dropdown box," the applicant can chose from one of the following: Not yet contacted office, Adam Wallow, Brad Fowler, Brad Riedl, Denny Heiss, John Stangle, Kelly Masnica, Mary Suminski, Sara Scott and Tom Geason. **Ex. 5.**

23. Pursuant to s. 224.72(1m), Stats., a person may not act as a mortgage banker, loan originator or mortgage broker, use the title "mortgage banker", "loan originator" or "mortgage broker", or advertise or otherwise portray himself or herself as a mortgage banker, loan originator or mortgage broker, unless the person has been issued a certificate of registration from the division.

24. ANM and Wallow are violating s. 224.72(1m), Stats., by acting as a mortgage banker, loan originator or mortgage broker, using the title "mortgage banker", "loan originator" or "mortgage broker", or advertising or otherwise portraying himself or herself as a mortgage banker, loan originator or mortgage broker without a certificate of registration from the division.

25. Pursuant to s. 224.77(3)(b), Stats., special orders issued by the division may direct a mortgage banker, loan originator or mortgage broker to cease and desist from engaging in a particular activity.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

26. MLG shall not act as a mortgage banker or mortgage broker, use the title "mortgage banker" or "mortgage broker", or advertise or otherwise portray itself as a mortgage banker or mortgage broker.

27. MTF shall not act as a mortgage banker or mortgage broker, use the title "mortgage banker" or "mortgage broker", or advertise or otherwise portray itself as a mortgage banker or mortgage broker.

28. ANM shall not act as a mortgage banker or mortgage broker, use the title "mortgage banker" or "mortgage broker", or advertise or otherwise portray itself as a mortgage banker or mortgage broker.

29. Wallow shall not act as a mortgage banker, loan originator or mortgage broker, use the title "mortgage banker", "loan originator" or "mortgage broker", or advertise or otherwise portray himself as a mortgage banker, loan originator or mortgage broker.

30. MLG, MTF, ANM and Wallow shall immediately discontinue any and all violations of subch. III, Ch. 224, Stats., and chs. DFI—Bkg 40 through 46, Admin. Code.

31. The provisions of this order shall be binding upon Wallow, MLG, MTF, and ANM and upon MLG's, MTF's and ANM's directors, officers, employees, agents, successors, assigns, and other persons participating in the conduct of its affairs. The provisions of the order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this order shall have been modified, terminated, suspended, or set aside by the division.

32. The effective date of this Order shall be the date it is served, and service is complete upon mailing. Secs. 227.48(1), Stats., and DFI—Bkg 11.09, Admin. Code.

Dated and mailed at Madison, Wisconsin this 25th day of January, 2007.

By: 
Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
345 W. Washington Avenue, 4th Floor
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889

APPEAL

The procedures to appeal this order are set forth in s. 227.42, Stats. Pursuant to s. 227.42(1), Stats., any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

- (a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;
- (b) There is no evidence of legislative intent that the interest is not to be protected;
- (c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and
- (d) There is a dispute of material fact.

All four criteria set for in s. 227.42(1), Stats., must be met for a person to have the right to a hearing. In particular, the attention of an individual or entity requesting a hearing is directed to the requirement to demonstrate that there is a dispute of material fact regarding the basis or bases for the action being taken by the division.

The request shall be sent to:

Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
345 W. Washington Avenue, 4th Floor
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889