ORDER

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

TO: IVC Mortgage Group, Inc.
2980 South Des Plaines River Road
Des Plaines, IL 60018
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. Respondent holds a certificate of registration as a mortgage broker under ch. 224, subch. III, Stats., with the division, certificate of registration #33841. Respondent is located at the address 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:

7. Respondent qualified for registration under s. 224.72(4m)(b), Stats., which requires respondent to maintain a $120,000 surety bond and a minimum net worth of $250,000.

8. On or about July 16, 2009, the division received a notice from Hartford Fire Insurance Company indicating that respondent's surety bond (#83BSBDC0772) would be cancelled. The effective date of the cancellation was August 22, 2009. **Ex. 1.**

9. On July 16, 2009, the division wrote to respondent regarding the cancellation of respondent's surety bond. **Ex. 2.**

10. The division has not received a rescission of the cancellation notice, a new surety bond, or evidence that respondent is otherwise in compliance with the financial responsibility requirements set forth in s. 224.72(4m), Stats.

11. Pursuant to s. 224.77(1)(i), Stats., the division may revoke a mortgage broker certificate of registration if the division finds that the mortgage broker demonstrated a lack of competency to act as a mortgage broker in a way which safeguards the interest of the public. Pursuant to s. DFI-Bkg 43.03(17), Admin. Code, failing to maintain the requirements set forth in s. 224.72(4m), Stats., demonstrates a lack of competency to act as a mortgage broker in a way which safeguards the interest of the public.

12. By not maintaining a surety bond, or otherwise meeting the financial responsibility requirements for a mortgage broker, respondent has demonstrated a lack of competency to act as a mortgage broker in a way which safeguards the interests of the public.

13. Pursuant to s. 224.74(1)(b), Stats., each year, no later than 6 months following the end of its most recently completed fiscal year, a mortgage broker that qualified for registration under s. 224.72(4m)(b), Stats., shall submit a copy of an audit of the mortgage broker's operations during that fiscal year. The audit must be conducted by an independent certified public accountant in accordance with generally accepted auditing standards and the financial statements in the audit report must be prepared in accordance with generally accepted accounting principles.

14. Respondent's fiscal year end is December 31.

15. Respondent's December 31, 2006 audit report ("2006 report") was due in the division's office by June 30, 2007. The division did not receive respondent's 2006 report until August 7, 2007.

16. Respondent's December 31, 2008 audit report ("2008 report") was due in the division's office by June 30, 2009. The division has not received respondent's 2008 audit report.

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

NOTICE TO NON-RESIDENT ATTORNEYS

A non-resident attorney may file a pleading or appear at a proceeding in a matter before the administrator if he or she is 1) licensed to practice law in Wisconsin or 2) not licensed to practice law in Wisconsin but employed as in-house counsel for a single employer-client. *See* SCR 10.03(4), as interpreted in *Lee R. Krahenbuhl, DDS v. Wisconsin Department of Regulation and Licensing* (Memorandum Decision, February 26, 2003, Case No. 02-CV-1148, Dane County); *see also* SCR 20:5:5. Any questions regarding this matter should be directed to the Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, tel. (608) 267-1705.

17. Pursuant to s. 224.77(1)(k), Stats., the division may revoke the certificate of registration of a mortgage broker if the division finds that the mortgage broker violated any provision of subch. III, ch. 224, Stats., ch. 138, Stats., or any federal or state statute, rule or regulation which relates to practice as a mortgage broker.

18. Respondent violated s. 224.74(1)(b), Stats., by not submitting its 2006 and 2008 reports to the division by the required due dates.

ORDER

19. Based on the foregoing, IT IS HEREBY ORDERED that respondent's certificate of registration as a mortgage broker is revoked.

20. The provisions of this order shall be binding upon respondent and respondent'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.

21. 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 28th day of August, 2009.

By: [redacted]

Michael J. Mach, Administrator
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