

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

West Michigan Private Capital Fund I, LLC
License No. FL-0016833

Enforcement Case No. 21-16327

Respondent.

Issued and entered
on **September 8,** 2021
by Judith A. Weaver
Senior Deputy Director

ORDER ACCEPTING STIPULATION AND REQUIRING COMPLIANCE AND PAYMENT OF FINES

Based upon the Stipulation to Entry of Order and the files and records of the Department of Insurance and Financial Services (DIFS), the Senior Deputy Director finds and concludes that:

1. The Senior Deputy Director has jurisdiction and authority to adopt and issue this Order Accepting Stipulation and Requiring Compliance and Payment of Fines in this proceeding pursuant to the Michigan Administrative Procedures Act (APA), as amended, MCL 24.201 *et seq.*, the Mortgage Brokers, Lenders and Servicers Licensing Act (MBLSLA), 1987 PA 173, MCL 445.1651 *et seq.*
2. All required notices have been issued in this case and the notices and service thereof were appropriate and lawful in all respects.
3. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
4. All applicable provisions of the APA have been met.
5. Respondent violated Section 22(a) of the MBLSLA, MCL 445.1672(a).

Now therefore, based upon the Stipulation to Entry of Order and the facts surrounding this case, IT IS ORDERED THAT:

- A. Respondent shall comply with all terms agreed to in the Stipulation to Entry of Order.
- B. Respondent shall pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$1,500.00. Respondent shall pay the fines by the due date, as indicated on the DIFS invoice.
- C. The Senior Deputy Director retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as shall be deemed just, necessary, and appropriate in

accordance with the MBLSLA. Failure to abide by the terms and provisions of the Stipulation to Entry of Order and this Order may result in the commencement of additional proceedings.



Judith A. Weaver
Senior Deputy Director

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

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_____ /

STIPULATION TO ENTRY OF ORDER AND REQUIRING COMPLIANCE AND PAYMENT OF FINES

West Michigan Private Capital Fund I, LLC (Respondent) hereby stipulates and agrees to the following:

1. In the exercise of its statutory authority and responsibility, the Department of Insurance and Financial Services (DIFS) conducted an examination of Respondent pursuant to the Mortgage Brokers, Lenders, and Servicers Licensing Act, 1987 P.A. 173, as amended, MCL 445.1651 *et seq.*, (MBLSLA). The purpose of the examination was to assess the controls and corporate governance practices instituted and monitored by management and review records to determine compliance with findings of previous examinations and applicable state and federal laws.
2. On or about April 13, 2021, a Notice of Opportunity to Show Compliance (NOSC) was issued by DIFS to Respondent along with a Statement of Factual Allegations, pursuant to the provisions of the Michigan Administrative Procedures Act (APA), 1969 PA 306, as amended, MCL 24.201 *et seq.*
3. The NOSC contained allegations that Respondent violated Section 22(a) of the MBLSLA, MCL 445.1672(a), and set forth applicable laws and penalties.
4. Thereafter, DIFS Staff and Respondent conferred for the purpose of resolving this matter and Respondent has determined to resolve this matter pursuant to the terms set forth below.
5. At all pertinent times, Respondent was licensed with DIFS as a first mortgage broker, lender, and servicer under the MBLSLA.
6. Respondent neither admits nor denies the allegations contained in the NOSC and desires to avoid the time and expense of formal proceedings and agrees to resolve this matter pursuant to this Stipulation to Entry of Order.
7. Respondent agrees to comply with the MBLSLA, especially Section 22(a) of the Act, MCL 445.1672(a), and comply with applicable federal law, including: refunding amounts remaining in an **escrow account within 20 days of a borrower's payment of a mortgage loan in full; including the** required name(s) and NMLSR ID(s) on the necessary loan documents; and filing the mortgage discharge in a timely manner.
8. Respondent agrees that it will pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$1,500.00. Respondent further agrees to pay the fine by the invoice due date.

9. Respondent agrees that the procedural requirements of the APA and MBLSLA have been met in all respects by both parties.
10. Respondent has had an opportunity to review this Stipulation and the accompanying Order Requiring Compliance and Payment of Civil Fines and have the same reviewed by legal counsel.
11. Respondent understands and agrees that this Stipulation will be presented to the Senior Deputy Director for approval. The Senior Deputy Director may, in her sole discretion, decide to accept or reject the Stipulation and Order. If the Senior Deputy Director accepts the Stipulation and Order, Respondent waives the right to a hearing in this matter and consents to the entry of the Order. If the Senior Deputy Director does not accept the Stipulation and Order, Respondent waives any objection to the Director holding a formal administrative hearing and making a decision after such hearing.
12. Respondent understands and agrees that the failure to abide by and fully comply with the terms and conditions of this Stipulation and Order may, at the discretion of the Senior Deputy Director, result in further administrative compliance actions.
13. Respondent understands and agrees that the amount of the civil fines has been negotiated in return for the avoidance of further proceedings and certain promises and conditions, which include the timely payment of civil fines. Should Respondent fail to timely pay the fine, Respondent agrees that a failure to timely pay the civil fine is a violation of this Stipulation and Order and will result in DIFS commencing an enforcement action against Respondent.

West Michigan Private Capital Fund I, LLC
License No. FL-0016833



Authorized Representative of West Michigan
Private Capital Fund I, LLC

By Benchmark's Capital Management LLC Its Manager

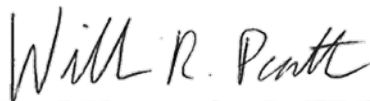
Matthew Fox Member

Print Name and Title

9-1-2021

Dated

DIFS Staff approve this Stipulation and recommend that the Senior Deputy Director issue an Order Requiring Compliance and Payment of Fines.



William R. Peattie (P48004)
DIFS Staff Attorney

September 20, 2021

Dated