

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

We Are Finance Corp.
d/b/a Golfview Lending
d/b/a First Mortgage of Michigan
33045 Hamilton Ct. Ste W 108
Farmington Hills, MI 48334

Enforcement Case No. 08-5805

License Number: FL-0014084/SR 0014085,

Respondent.

CONSENT ORDER WITH RESPECT TO VOLUNTARY REVOCATION OF
FIRST AND SECOND MORTGAGE LICENSE/REGISTRATION

Issued and Entered,
this 11th day of January, 2009,
by Stephen R. Hilker,
Chief Deputy Commissioner

Based upon the Stipulation to Entry of Consent Order and the files and records of the Office of Financial and Insurance Regulation ("OFIR") in this matter, the Commissioner FINDS and CONCLUDES that:

1. The Commissioner has jurisdiction and authority to adopt and issue this Consent Order in this proceeding, pursuant to the Michigan Administrative Procedures Act of 1969 ("APA"), as amended, MCL 24.201 *et seq.*, and the Mortgage Brokers, Lenders, and Servicers Licensing Act ("MBLSLA"), 1987 PA 173, as amended,

MCL 445.1651 *et seq.*, and the Secondary Mortgage Loan Act (“SMLA”), 1981 PA 125, as amended, MCL 493.51 *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 parties’ Stipulation to Entry of Consent Order is reasonable and in the public interest.
4. All applicable provisions of the APA have been met.
5. OFIR alleges that We Are Finance Corp., d/b/a Golfview Lending, d/b/a First Mortgage of Michigan, Respondent violated the Mortgage Brokers, Lenders, and Servicers Licensing Act., as well as other state and federally related mortgage laws as set forth in the Stipulation and the Notice of Opportunity to Show Compliance served upon Respondent.

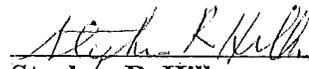
NOW THEREFORE, based upon the parties’ Stipulation to Entry of Consent Order **IT IS ORDERED THAT**:

1. The Stipulation to Entry of Consent Order submitted by the parties to the Chief Deputy Commissioner is hereby ACCEPTED.
2. Respondent shall CEASE AND DESIST violating the aforementioned statutes and the MBLSLA and the SMLA and all provisions thereof.
3. Respondent shall immediately cease soliciting or originating any new residential mortgage business regulated by the MBLSLA or SMLA.
4. Respondent agrees to voluntary revocation of its first mortgage license and second mortgage registration and agrees to return its original license and registration certificates to OFIR within 30 days of the date this Consent Order is executed.
5. Respondent, any wholly or partially-owned subsidiary, any affiliated company, or any company related by common owner, officer, or director, shall not make application to the Commissioner for licensure under the MBLSLA, SMLA, or the Consumer Financial Services Act (“CFSA”), 1988 PA 161, as amended, MCL

487.2051 *et seq.*, for a period of 5 years from the date of signing of an order by the Commissioner ordering the terms of this stipulation.

6. The Commissioner specifically retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as he shall deem just, necessary and appropriate in accordance with the provisions of the MBLSLA and SMLA. Failure to abide by the terms and conditions of the Stipulation to Entry of Consent Order and this Order may result in the commencement of additional proceedings.

IT IS SO ORDERED.



Stephen R. Hilker
Chief Deputy Commissioner

**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

**We Are Finance Corp., d/b/a,
Golfview Lending, d/b/a,
First Mortgage Of Michigan,
33045 Hamilton Ct. Ste W 108,
Farmington Hills, MI 48334,**

Enforcement Case No. 08-5805

License Number: FL-0014084/SR 0014085,

Respondent.

STIPULATION TO ENTRY OF CONSENT ORDER

Respondent, We Are Finance Corp., d/b/a Golfview Lending, d/b/a First Mortgage Of Michigan, and the Office of Financial and Insurance Regulation (“OFIR”) hereby stipulate and agree to the following:

1. OFIR staff conducted an on-site investigation/examination of Respondent’s books and records commencing on October 5, 2007, pursuant to Section 11(2)(c) of the Mortgage Brokers, Lenders, and Servicers Licensing Act (“MBLSLA”), MCL 445.1661(2)(c), and Section 6b(2)(b) of the Secondary Mortgage Loan Act (“SMLA”), MCL 493.56 b(2)(b). The investigation/examination concluded on March 12, 2008.
2. Subsequent to the investigation, OFIR Staff prepared an Examination Report that contained allegations that Respondent and/or its loan officers or employees, violated the MBLSLA and the SMLA, and set forth the applicable laws and penalties which could be taken against Respondent.
3. OFIR and Respondent have conferred for purposes of resolving this matter and

have agreed it is in the parties' best interests to resolve this matter pursuant to the terms set forth below.

4. The Commissioner of OFIR ("Commissioner") has jurisdiction and authority to adopt and issue this Consent Order, pursuant to the Michigan Administrative Procedures Act ("APA"), MCL 24.201 *et seq.*, the MBLSLA, and the SMLA.

5. At all pertinent times, Respondent was licensed with OFIR as a mortgage broker and lender pursuant to the MBLSLA. Respondent was also registered under the SMLA.

6. The Examination Report alleged the following:

- a. Respondent paid independent contractors or unlicensed entities for regulated mortgage transactions, in violation of MCL 445.1652(4) (now MCL 445.1652(5)).
- b. Respondent failed to maintain adequate books and records of its business to enable the Commissioner to determine compliance with the MBLSLA, in violation of MCL 445.1671(1) and Respondent failed to preserve and keep available for examination by the Commissioner all books, accounts, records, and documents pertaining to Respondent's business, in violation of MCL 445.1671(2).
 - i. Respondent failed to maintain files in such a way that compliance with applicable state and federal laws could be determined. Respondent failed to date the initial loan applications making it impossible for OFIR Staff to determine if Respondent had provided applicants with the Good Faith Estimate (GFE) within three days of the application date as required by Section 3500.7(b) of Regulation X.
 - ii. Respondent failed to date the initial loan applications such that OFIR Staff was unable to determine whether Respondent provided applicants with Borrowers Bill of Rights and the Consumer Caution and Homeownership Counseling Notice as required by Section 6 and Section 7 of the Consumer Mortgage Protection Act, MCL 445.1636 and MCL 445.1637, respectively.

- iii. Respondent failed to keep and maintain various mortgage loan documents as required by Section 21(2) of the MBLSLA, including, but not limited to, initial applications, Good Faith Estimates, Appraisal Notice, Credit Report, Borrowers Bill of Rights, and Consumer Caution and Homeownership Counseling Notice.
- c. Respondent failed to advise borrowers that they had 90 days within which to request a copy of the appraisal associated with the residences they purchased. This is a violation of Section 202.14(a)(2) of Regulation B and Section 22(a) of the MBLSLA.
- d. Respondent failed to provide mortgage loan applicants with an initial good faith estimate of the broker fee, origination fee, loan discount fee and/or yield spread premium fee, which bears a reasonable relationship to the actual yield spread premium amount paid, as required by Section 3500.7(b) and (c) of Regulation X, the Real Estate Settlement Procedures Act, 24 C.F.R. 3500.7(b)-(c).
- e. Respondent failed to provide borrowers with complete and accurate initial Truth-in-Lending Statements, which is a violation of Section 226.18 of Regulation Z and therefore a violation of Section 22(a) of the MBLSLA.
- f. Respondent did not have a pamphlet or document available for public distribution at its principal office explaining in general terms its criteria for the approval or denial of a loan application as required by Section 2(10) of the Mortgage Lending Practices Act ("MLPA"), MCL 445.1602(10). Respondent also failed to post a written notice in a conspicuous place to apprise a loan inquirer or applicant of his or her rights under the MLPA as required by Section 5, MCL 445.1605.
- g. Several of Respondent's loan officers engaged in fraud in order to consummate residential mortgage loan transactions in violation of the MBLSLA. The fraud employed included use of a straw buyer, misrepresentation of source of borrower's funds to close, fraudulent sale and documentation.

- h. During the investigation, Respondent failed to produce documents and information requested by OFIR Staff, in violation of Section 22(g) of the MBLSLA, MCL 445.1672(g).

7. Respondent believes it is in its best interests to resolve this matter as follows; however, it is understood that by settling this matter, Respondent is not making any admission that any of the allegations herein or in the Notice of Opportunity to Show Compliance are true:

- a. Respondent voluntarily surrendered its first mortgage license and second mortgage registration, and as of July 1, 2008 was no longer active in the State of Michigan. Respondent shall return its original license and registration to OFIR within 30 days of the date the Consent Order is executed.
- b. Respondent agrees that it shall CEASE AND DESIST from any and all violations of the statutes, rules, and regulations identified in paragraph 7 of this Stipulation and the Notice of Opportunity to Show Compliance.
- c. Respondent, any wholly or partially-owned subsidiary, any affiliated company, or any company related by common owner, officer, or director, shall not make application to the Commissioner for licensure under the MBLSLA, SMLA, or the Consumer Financial Services Act, 1988 PA 161, as amended, MCL 487.2051 *et seq.*, for a period of 5 years from the date it voluntarily surrendered its first mortgage license and second mortgage registration.
- d. Respondent shall maintain all mortgage loan files in accordance with the MBLSLA.

8. All parties have complied with the procedural requirements of the APA and the MBLSLA in all respects.

9. Respondent understands and agrees that this Stipulation will be presented to the Deputy Commissioner for approval. The Deputy Commissioner may in his sole discretion, decide to accept or reject the Stipulation and Consent Order. If the Deputy Commissioner accepts the Stipulation and Consent Order, Respondent has been advised that such action effectively waives its right to a hearing in this matter and to any matter contained within this Stipulation and any right to appeal the validity or enforceability of this Stipulation and Consent Order,

and constitutes its consent to the entry of the Consent Order on its behalf. Respondent has knowingly and advisedly agreed to the foregoing. If the Deputy Commissioner does not accept the Stipulation and Consent Order, Respondent waives any objection to the Commissioner holding a formal administrative hearing and making his decision after such hearing.

10. The failure to abide by and fully comply with the terms and conditions of this Stipulation and Consent Order may, at the discretion of the Commissioner, result in further administrative compliance actions.

11. The Commissioner has jurisdiction and authority under the provisions of the APA and the MBLSLA, to accept this Stipulation to the Entry of Consent Order and to issue a Consent Order resolving these proceedings.

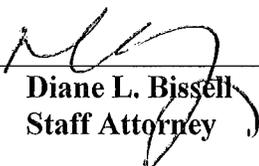
12. Respondent has had an opportunity to review this Stipulation and the accompanying Consent Order and has been advised that it has the right to have same reviewed by legal counsel.

**We Are Finance Corp., d/b/a
Golfview Lending, d/b/a
First Mortgage Of Michigan**


By: **Aaron Gerchak, CEO**

6-10-2010
Dated

**OFFICE OF FINANCIAL AND
INSURANCE REGULATION**


By: **Diane L. Bissell
Staff Attorney**

6-10-2010
Dated