

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
)
CESAR MARIN)
MLO License No. 031.0024997) No. 2013-MLO-07
NMLS Id. 203557)
440 E. Osage Lane)
Palatine, Illinois 60074)
)

**ORDER REVOKING MORTGAGE
LOAN ORIGINATOR LICENSE AND ASSESSING FINE**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (“Department”), conducting an investigation of Licensee CESAR MARIN (“MARIN”), 440 E. Osage Lane, Palatine, Illinois 60074, found violations of the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635] and rules promulgated thereunder [38 Ill. Adm. Code 1050] (“Rules”), and issues to MARIN this ORDER REVOKING MORTGAGE LOAN ORIGINATOR LICENSE AND ASSESSING FINE.

STATUTORY PROVISIONS

1. Section 7-3(3) of the Act states that to be issued a license an applicant must have demonstrated financial responsibility, character, and general fitness so as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purpose of this Act.
2. Section 7-11 of the Act authorizes the Department to fine, or otherwise discipline, the license of a Mortgage Loan Originator if the Secretary finds that the Mortgage Loan Originator has violated this Act or any other applicable law or regulation. A maximum fine is authorized of \$1,000 for each day for each violation of this Act or other applicable law or regulation that is committed, and may be double for repeat violations.
3. Section 7-13 of the Act prohibits certain acts and practices by mortgage loan originators (“MLO”) including negligently making any false statement or knowingly and willfully making any omission of material fact in connection with any information or report filed with Nationwide Mortgage Licensing System (“NMLS”). MLOs are prohibited from failing to comply with this Act or rules or regulations promulgated under this Act and engaging in conduct that constitutes dishonest dealings.
4. Section 1050.370 of the Rules states that MLOs must notify the Director through NMLS within 30 days if information contained within the initial application or any renewal application is no longer current and must file accurate supplemental information.

FACTUAL FINDINGS

5. MARIN is a Mortgage Loan Originator (“MLO”) holding License No. 031.0024997.
6. MARIN was first issued his loan originator registration on May 6, 2008 and subsequently transitioned into being licensed as an MLO.
7. An Investigation was prompted when the Department became aware that MARIN was named in a Federal Indictment on September 24, 2013 for his alleged involvement in a mortgage fraud scheme (Case No. 13CR0763, “Indictment”).
8. The Indictment alleges that MARIN and others knowingly devised and participated in a mortgage fraud scheme by causing buyers to fraudulently obtain approximately 52 mortgage loans from lenders in a total amount of approximately \$14,589,916.
9. MARIN submitted his original MU4 application through NMLS on April 14, 2010 to become a licensed MLO. Under the section of the MU4 titled, “Disclosure Questions,” subpart 8(D)(2) (later updated in NMLS to be (F)(2)) “Criminal Disclosure” read, “Are there pending charges against you for any felony?” MARIN answered No to 8(D)(2) on this initial application.
10. MARIN amended his application several times since his initial application. Each time MARIN made an amendment he was required to give an oath that his answers “are current, true, accurate and complete and are made under the penalty of perjury....To the extent any information previously submitted is not amended and hereby, such information remains accurate and complete.... To keep the information contained in this form current and to file accurate supplementary information on a timely basis...”
11. MARIN also renewed several times through NMLS. MARIN attested, as part of the renewal, that he believed the information contained in his online record was true, accurate and complete and acknowledged that he had a duty to expediently update and correct the information as it changes.
12. MARIN did not amend his answer with NMLS regarding the disclosure of a pending felony as related to the Indictment.

LEGAL CONCLUSION

COUNT I

13. MARIN failed to report in NMLS regarding the Indictment in violation of Sections 7-13(8) & (10) of the Act and Section 1050.370 of the Rules.

COUNT II

14. MARIN’S failure to disclose to the Department his felony indictment shows that he lacks character, and general fitness as defined in section 7-3(3) and in violation of 7-13(15) of the Act.

NOW IT IS HEREBY ORDERED THAT,

1. The Department **REVOKES** CESAR MARIN'S Mortgage Loan Originator License No. 031.0024997 pursuant to Section 7-11 of the Act.
2. The Department assesses a **FINE** against CESAR MARIN in the amount of \$5,000 (\$1,000 per citation) pursuant to Section 7-11 of the Act. The fine is payable by certified check or money order within thirty (30) days of the effective date of this Order to the:

**Department of Financial and Professional Regulation
Division of Banking
ATTN: Loan Originator Section
320 W. Washington, 5th Floor
Springfield, Illinois, 62786.**

ORDERED THIS ____ DAY OF _____, 2013

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
MANUEL FLORES, ACTING SECRETARY

DIVISION OF BANKING

You are hereby notified that this Order is an administrative decision. Pursuant to 205 ILCS 635/412 and 38 Ill. Adm. Code, 1050.1510 *et seq.* any party may file a request for a hearing on an administrative decision. The request for a hearing and \$250 hearing fee by certified check or money order shall be filed with the Department at 320 West Washington Street, 5th Floor, Springfield, IL 62786, ATTN: Loan Originator Section within 10 days after the receipt of an administrative decision. The request for hearing must include an explicit admission, denial, or appropriate response to each allegation or issue contained in the administrative decision pursuant to 38 Ill. Adm. Code 1050.1570. A hearing shall be held on the administrative decision, by the Department of Financial and Professional Regulation, Division of Banking. Absent a request for a hearing, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*].

State of Illinois (
 (ss:
 County of Cook (

The undersigned, being duly sworn on oath, states that on ____/____/____, I mailed with sufficient postage affixed, a copy of the foregoing **ORDER REVOKING MORTGAGE LOAN ORIGINATOR LICENSE AND ASSESSING FINE** by regular and certified mail, return receipt requested at 100 W. Randolph St., Chicago, Illinois 60601, to the address of Respondent registered with IDFPR Division of Banking listed below:

AFFIANT

Subscribed and sworn to before me,
 this ____ day of _____, 2013

NOTARY PUBLIC

Sent to:

CESAR MARIN
 440 E. Osage Lane
 Palatine, Illinois 60074