

**STATE OF ILLINOIS**

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

**DIVISION OF BANKING**

IN THE MATTER OF:

**MARK A. PICKETT**

IL License No. 031.0029115; NMLS ID No. 316089)

759 Glenside Circle

Bolingbrook, IL 60490

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No. 2014-MLO-06

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

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (“Department”), having conducted an investigation of MARK A. PICKETT (“PICKETT”) in connection with his residential mortgage activities with Nail Your Mortgage a/k/a OmTelligence, LLC (“NYM”), 747 N. LaSalle, #400, Chicago, Illinois 60654 and found violations of the Residential Mortgage License Act of 1987 (“Act”) and [205 ILCS 635] and the rules promulgated under the Act (“Rules”) [38 Ill. Adm. Code 1050] the Secretary hereby issues this ORDER TO REVOKE LOAN ORIGINATOR LICENSE AND ASSESSING FINE.

**STATUTORY PROVISIONS**

1. Section 1-4(jj) defines the “mortgage loan originator” as an individual who for compensation or gain or in the expectation of compensation or gain (i) takes a residential mortgage loan application, or (ii) offers or negotiates terms of a residential mortgage loan. Included in the definition are individuals who participate in residential mortgage loan modification activities. A mortgage loan originator engaged in loan modification activities shall report those activities to the Department in the manner provided by the Department.
2. Section 7-1A of the Act states, in part, it is unlawful for any individual to act or assume to act as a mortgage loan originator, as defined in subsection (jj) of Section 1-4 of the Act, without obtaining a license from the Department.
3. Section 7-11 of the Act authorizes the Department to revoke and/or fine, or otherwise discipline, the license of a Mortgage Loan Originator (“MLO”) if the Secretary finds that the MLO 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, \$3,000 for each day for each violation for engaging in 7-13(1) and \$2,000 for repeat violations.

4. Section 7-13 of the Act provides a list of prohibited acts and practices for MLOs, including employing a scheme to defraud or mislead borrowers, engaging in any unfair or deceptive practice, including assisting a person in conducting any business covered by this Act without holding a valid license as required under this Act, and failing to make disclosures as required by the Act. MLOs are prohibited from violating any rules and regulations and engaging in conduct that constitutes dishonest dealings. MLOs are prohibited from making any false or deceptive statement or representations of a material fact, required on any document or application subject to this Act. MLOs are also prohibited from negligently making any false statement or knowingly and willfully making any omission of a material fact in connection with any report filed with a governmental agency.
5. Section 70 of the RRPDA requires mortgage brokers or loan originators to submit to the anti-predatory lending database (“APLD”) all of the information required for any mortgage on property within the program area. Information must be entered within 10 days after taking a mortgage loan application.
6. Section 72 of the RRPDA specifies the required information to be entered into the APLD, including the name of the mortgage loan originator taking the loan application.

#### **FACTUAL FINDINGS**

7. PICKETT holds MLO License No. 031.0029115 expired on December 31, 2012.
8. The Department opened an investigation of NYM in calendar year 2012 based upon a consumer complaint that NYM had an unlicensed individual perform mortgage loan originator activities for a residential mortgage loan transaction for Illinois borrowers from about February 2011 through May 2012.
9. The Department’s investigation found that PICKETT falsely signed-off on 17 loan applications which were actually originated by an unlicensed MLO, Jonathon Windsor (“Windsor”).
10. The Department’s investigation found that PICKETT entered his name into the APLD for four borrowers he did not originate loans (D.W.(2 loans), M.M. and M.S), three of which were actually originated by Windsor

#### **LEGAL CONCLUSIONS**

11. PICKETT is in violation of Section 7-13 (1), (2), (6), (7), (8), (9) and (10) of the Act and Section 77/72(4) of the RRPDA.

**NOW IT IS HEREBY ORDERED THAT,**

1. The Department **REVOKES** MARK A. PICKETT'S Mortgage Loan Originator License No. 031.0029115 pursuant to Sections 7-11 of the Act.
2. The Department assesses a **FINE** against MARK A. PICKETT in the amount of \$19,000 (\$1,000 for the 17 loans engaged in 7-13(1) and \$500 per violation of the RRPDA) pursuant to Sections 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, 5<sup>th</sup> Floor  
Springfield, Illinois, 62786**

ORDERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

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

DIVISION OF BANKING

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You are hereby notified that this Order is an administrative decision. Pursuant to 205 ILCS 635/4-12 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, 5<sup>th</sup> 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., 9<sup>th</sup> Floor, Chicago, Illinois 60601, to the name and address listed below:

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AFFIANT

Subscribed and sworn to before me,

this \_\_\_\_ day of \_\_\_\_\_, 2014

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NOTARY PUBLIC

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Sent to:

MARK A. PICKETT  
759 Glenside Circle  
Bolingbrook, IL 60490