

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:

RASCHED BANURI

IL License No. 031.0036856; NMLS ID No. 1145372)

2260 Hillsboro Ln.

Naperville, IL 60564

)
)
)
)
)
)
)

No. 2014-MLO-15

**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 **RASCHED BANURI** (“BANURI”), 2260 Hillsboro Ln., Naperville, Illinois 60564, in connection with his residential mortgage activities with Mortgage Enterprises, Inc. (“MEI”), Enterprise Drive, Suite 202, Oak Brook, Illinois 60523, and having found violations of the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635] and the rules promulgated under the Act (“Rules”) [38 Ill. Adm. Code 1050], hereby issues this **ORDER REVOKING MORTGAGE LOAN ORIGINATOR LICENSE AND ASSESSING FINE**.

STATUTORY PROVISIONS

1. Section 1-4(jj) of the Act defines a “mortgage loan originator” (“MLO”) 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.
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 first obtaining a license from the Department.
3. Section 7-11 of the Act authorizes the Director of the Department (“Director”) to revoke and/or fine, or otherwise discipline, the license of a MLO if the Director finds that the MLO has violated the Act or any other applicable law or regulation. The Act authorizes the imposition of fines up to \$1,000 for each day for each violation of the Act or other applicable law or regulation that is committed, and \$3,000 for each day for each violation for engaging in an activity prohibited by 7-13(1). Such fines may be doubled for repeat violations.
4. Section 7-13 of the Act prohibits certain acts and practices by MLOs, including failing to make disclosures as required by the Act. MLOs are prohibited from failing to comply

with the Act or violating any rules and regulations promulgated thereunder, and from engaging in conduct that constitutes dishonest dealings. MLOs are prohibited from making any false or deceptive statements or representations of a material fact, required on any document or application subject to the 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.

FACTUAL FINDINGS

5. BANURI holds inoperative MLO License No. 031.0036856.
6. MEI is a residential mortgage broker holding Illinois residential mortgage license number MB.0004554 (“License”). BANURI was employed by MEI and was its chief financial officer.
7. The Department opened a regular examination of MEI on November 12, 2013 for the period October 1, 2011 to July 31, 2013 (“Examination”).
8. While the Examination was open, the Department made oral and written requests for supporting bank records to verify a \$140,000 “Advance Against Salary” by MEI to BANURI that MEI counted towards satisfaction of its net worth requirement. The Examination due date was January 24, 2014. MEI responded on January 23, 2014 that the supporting records would be produced by January 30, 2014.
9. On February 7, 2014, the Department requested in a written communication to MEI that MEI produce the bank statements or other related bank records to verify that the \$140,000 “Advance Against Salary,” was made to BANURI and that BANURI had complied with repayment of the loan. MEI provided to the Department a letter dated July 25, 2011 in which BANURI requested an advance against his salary. The Department communicated to MEI this letter, signed by BANURI and David Marquardt, MEI’s owner, was not a bank record and did not suffice for the Department’s request.
10. The Department subsequently became aware that BANURI was responsible for the net worth data supplied by MEI to the Department. The Department’s subsequent investigation found that a misrepresentation to the Department had occurred and recommended that an enforcement action be taken.

LEGAL CONCLUSIONS

11. The information BANURI provided was a misrepresentation to the Department.
12. BANURI is in violation of Section 7-13 (7), (8), (9), (10), and (15) of the Act.

NOW IT IS HEREBY ORDERED THAT:

1. The Department **REVOKES** RASCHED BANURI’S Mortgage Loan Originator License No. 031.0036856 pursuant to Sections 7-11 of the Act.

2. The Department assesses a **FINE** against RASCHED BANURI in the amount of \$5,000 (\$1,000 per cited violation) pursuant to Sections 7-11 of the Act. The fine is payable by certified check or money order within thirty (30) days after the effective date of this Order to the:

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

ORDERED THIS ____ DAY OF _____, 2014

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKING

SHEILA SAEGH HENRETTA
ACTING DIRECTOR

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 affected party may file a request for a hearing on a decision by the Director. The request for a hearing and \$500 hearing fee is payable by certified check or money order and must be filed with the Department at 320 West Washington Street, 5th Floor, and Springfield, IL 62786 within 10 days after the appealing party's receipt of this Order. The request for hearing must include an explicit admission, denial, or appropriate response to each allegation or issue contained in this Order pursuant to 38 Ill. Adm. Code 1050.1570. After receipt of a proper and timely request for hearing, 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].

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., 9th Floor, Chicago, Illinois 60601, to the address of Respondent registered with the IDFPR Division of Banking listed below:

AFFIANT

Subscribed and sworn to before me,

this ____ day of _____, 2014

NOTARY PUBLIC

Sent to:

RASCHED BANURI
2260 Hillsboro Ln.
Naperville, IL 60564

SERIAL #