

1 PRESTON DUFAUCHARD
2 CALIFORNIA CORPORATIONS COMMISSIONER
3 ALAN S. WEINGER (CA BAR NO. 86717)
4 SUPERVISING COUNSEL
5 320 WEST 4th Street, Ste. 750
6 LOS ANGELES, CALIFORNIA 90013-1105

7 Attorneys for Complainant

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BEFORE THE DEPARTMENT OF CORPORATIONS
OF THE STATE OF CALIFORNIA

In the Matter of the Order of THE) File No. 413 0890
COMMISSIONER OF CORPORATIONS OF)
THE STATE OF CALIFORNIA,)
Complainant,)
vs.)
FIDELITY BORROWING MORTGAGE)
BANKERS, LLC,)
Respondent.)

ORDER SETTING ASIDE ORDER TO DISCONTINUE RESIDENTIAL MORTGAGE
LENDING AND/OR SERVICING ACTIVITIES PURSUANT TO
SECTION 50319, CALIFORNIA FINANCIAL CODE

TO: FIDELITY BORROWING MORTGAGE BANKERS, LLC
585 STEWART AVENUE, SUITE 330
GARDEN CITY, NY 11530

NOW, THEREFORE, the Commissioner having found that FIDELITY
BORROWING MORTGAGE BANKERS, LLC has complied with the bonding requirements of
the California Residential Mortgage Lending Act (California Financial Code Section 50000 et
seq.) of the Financial Code as of April 1, 2008 the Order to Discontinue Residential Mortgage
Lending and/or Servicing Activities Pursuant to Section 50319, California Financial Code is
hereby set aside as of April 1, 2008.

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Dated: Los Angeles, California
May 20, 2008
Effective April 1, 2008

Preston DuFauchard
California Corporations Commissioner

By _____
DiAun M. Burns
Special Administrator
California Residential Mortgage Lending Act

1 PRESTON DUFAUCHARD
2 CALIFORNIA CORPORATIONS COMMISSIONER
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BEFORE THE DEPARTMENT OF CORPORATIONS
OF THE STATE OF CALIFORNIA

In the Matter of the Order of THE) File No. 413 0890
COMMISSIONER OF CORPORATIONS)
OF THE STATE OF CALIFORNIA,)
Complainant,)
vs.)
FIDELITY BORROWING MORTGAGE)
BANKERS, LLC,)
Respondent.)

ORDER TO DISCONTINUE RESIDENTIAL MORTGAGE LENDING
AND/OR SERVICING ACTIVITIES PURSUANT TO
SECTION 50319, CALIFORNIA FINANCIAL CODE

TO: FIDELITY BORROWING MORTGAGE BANKERS, LLC
585 STEWART AVENUE, SUITE 330
GARDEN CITY, NY 11530

THE COMMISSIONER OF CORPORATIONS OF THE STATE OF CALIFORNIA
FINDS THAT:

FIDELITY BORROWING MORTGAGE BANKERS, LLC has failed to comply with the
bonding requirements of the California Residential Mortgage Lending Act (California Financial
Code Section 50000 et seq.) in that effective April 1, 2008 Bond No. 10BSBEW9115 issued by

1 HARTFORD FIRE INSURANCE COMPANY in favor of FIDELITY BORROWING
2 MORTGAGE BANKERS, LLC expired and no replacement bond has been obtained.

3
4 Based on the foregoing, Respondent is conducting residential mortgage lending
5 and/or servicing business in violation of Section 50205 of the Financial Code and is conducting
6 business in such an unsafe and injurious manner as to render further operations hazardous to the
7 public or to customers.

8 NOW, BASED ON THE FOREGOING, AND GOOD CAUSE APPEARING
9 THEREFORE, it is hereby ORDERED, under the provisions of Section 50319 of the California
10 Financial Code, FIDELITY BORROWING MORTGAGE BANKERS, LLC immediately
11 discontinue the disbursement, in whole or in part, of trust funds held by the licensee and establish a
12 separate trust account for all subsequent trust funds received by the licensee.
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15 THIS ORDER is to remain in full force and effect until further order of the Commissioner.

16 Section 50319 of the Financial Code provides as follows:

17 (a) If the commissioner, as a result of any examination or from any report
18 made to him or her, shall find that any person subject to this division is in an
19 insolvent condition, is conducting business in an unsafe or injurious manner that
20 renders further operations hazardous to the public or to customers, has failed to
21 comply with the provision of Section 50317, has permitted its tangible net worth to
22 be lower than the minimum required by law, or has failed to comply with the
23 bonding requirements of Section 50205, the commissioner may, by an order
24 addressed to and served by registered or certified mail, or by personal service on that
25 person, and on any other person having in his or her possession or control any trust
26 funds or other property deposited in escrow with that person, direct discontinuance
of the disbursement, in whole or in part, of trust funds held by the licensee and order
the establishment of a separate trust account for all subsequent trust funds received
by the licensee. No person having in his or her possession any of these funds or
documents shall be liable for failure to comply with the order unless he or she has
received written notice of the order. Subject to subdivision (b), the order shall
remain in effect until set aside by the commissioner, or the person has been adjudged
bankrupt.

27 (b) Within 15 days from the date of an order pursuant to subdivision (a), the
28 person may request a hearing under the Administrative Procedure Act (Chapter 5
(commencing with Section 11500) of Part 2 of Division 3 of Title 2 of the
Government Code). Upon receiving a request, the matter shall be set for hearing to
commence within 30 days after the receipt unless the person subject to this division
consents to a later date. If no hearing is requested within 15 days after the mailing or

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service of the notice and none is ordered by the commissioner, the failure to request a hearing shall constitute a waiver of the right to a hearing. Neither the request for a hearing nor the hearing itself shall stay the order issued by the commissioner under subdivision (a).

DATED: April 1, 2008
Los Angeles, California

Preston DuFauchard
California Corporations Commissioner

By _____
DiAun M. Burns
Special Administrator
California Residential Mortgage Lending Act