

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

IN THE MATTER OF:)
)
DANIEL P. SCOTT and **ANIA SMULSKA**) No. 2013-MLO-CD- 15-b
5440 N. Cumberland, Suite 150) No. 2013-MLO- CD -16-b
Chicago, Illinois 60656)

CONSENT ORDER

The **ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF BANKING** (“Department”) and **DANIEL P. SCOTT** and **ANIA SMULSKA** (“Scott” and “Smulska”) (collectively, “Parties”) hereby enter into this Consent Order to resolve all currently outstanding issues involving the Petitioners. This Consent Order is made pursuant to the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635], and of the rules promulgated under the Act (“Rules”) [38 Ill. Adm. Code 1050]. The Department and Petitioners stipulate and agree as follows:

STIPULATIONS

The Parties stipulate that the Department issued Order No. 2013-MLO-CD -15 and 2013-MLO-CD-16 (“Orders”), **SCOTT** and **SMULSKA** made a timely request for an administrative hearing of the Orders, and the Parties are currently in proceedings with no final determination in the matter. The Parties now desire to conclude the administrative proceedings and resolve all matters of the Orders through this Consent Order. **SCOTT** and **SMULSKA** make no admissions of having violated the Residential Mortgage License Act of 1987 (“Act”) [205 ILCS 635] or the rules promulgated thereunder (“Rules”) [38 Ill. Adm. Code 1050] as set forth in the Order. **SCOTT** and **SMULSKA** make no admission of having violated the Mortgage Rescue Fraud Act (“MRFA”) [765 ILCS 940].

TERMS AND CONDITIONS

WHEREFORE, the Department and **SCOTT** and **SMULSKA** agree as follows:

- I. **SCOTT** and **SMULSKA** agree to not partake in licenseable activity without obtaining a license from the Department.
- II. The Department agrees to reduce the fine to \$7,500. Petitioners agree to pay the aforementioned fine to the Department within thirty (30) days of the execution of this Consent Order by money order or cashier's check. Failure by Petitioners to timely make the payment required herein shall result in the original fine in the Orders remaining in full force and effect and the Department is fully authorized to seek collection of the original fine amounts by any authorized means.
- III. **SCOTT** and **SMULSKA** withdraw their petition for administrative hearing of the Order and agree to not file any petition for administrative hearing or judicial review of this Consent Order. **SCOTT** and **SMULSKA** acknowledge that they have been represented by an attorney at law licensed to practice in the State of Illinois pursuant to Section 1050.1560 of the Rules and that they both willingly enter into this Consent Order after full review, evaluation, and consideration with full knowledge of their rights under the Act, Rules, and the Illinois Administrative Procedure Act [5 ILCS 100].
- IV. The Department enters into the Consent Order for the purpose of imposing measures that are fair and equitable in the circumstances and that are consistent with the best interests of the people of the State of Illinois.
- V. The Consent Order shall become effective upon all the Parties signing and dating the Consent Order and on the date that the Director signs and dates the Consent Order.

The foregoing Consent Order is approved in full.

_____ date: _____
Daniel P. Scott

_____ date: _____
Ania Smulka

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKING

_____ date: _____
Michael J. Mannion
DIRECTOR