

# STATE OF NEW JERSEY



## DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

### CONSENT ORDER NO. E16-017960

IN THE MATTER OF: )  
GUARDHILL FINANCIAL CORP. ) CONSENT ORDER  
NMLS #: 1609 )  
  
GLORIA SACCHI )  
GUARDHILL FINANCIAL CORP. )  
140 EAST 45<sup>TH</sup> STREET, 31<sup>ST</sup> FLOOR )  
NEW YORK, NY 10017 )

This matter having been opened to the Office of Consumer Finance within the Division of Banking of the New Jersey Department of Banking and Insurance (“Department”) upon information pursuant to the last examination of Guardhill Financial Corp. (“the Licensee”), at all times relevant to this Consent Order, a licensed New Jersey Residential Mortgage Lender pursuant to the New Jersey Residential Mortgage Lending Act N.J.S.A. 17:11C-51 et seq., (“the Act”) may have violated certain provisions of the Act and its implementing rules; and

WHEREAS IT APPEARS that the Licensee has violated the following:

1. N.J.A.C. 3:1-16.1 Definitions “Commitment”

The examination determined that the Licensee was found to have issued several Commitment letters to borrowers that were contingent upon an appraisal being performed and/or credit report being reviewed. These Commitment letters were not valid and it was found that Commitment Fees were charged to several borrowers in such cases. This was identified as a repeat violation from the previous examination.

**2. N.J.A.C. 3:1-16.5 Commitment Process**

The examination determined that the Licensee had provided Commitments to borrowers that did not include all the legally required verbiage. This was identified as a repeat violation from the previous examination.

**3. N.J.A.C. 3:1-16.4 Lock-in Agreements**

The examination determined that the Licensee provided Lock-in Agreements to borrowers that did not include all the legally required verbiage. This was identified as a repeat violation from the previous examination.

**4. N.J.A.C. 3:15-6.3 Location of books and records...**

The examination determined that the Licensee did not receive request or receive approval to store its books and records at an alternate location at the time of the examination. This was identified as a repeat violation from the previous examination.

WHEREAS, in the event that the Commissioner issued an administrative Order to Show Cause to the Licensee addressing the above-referenced apparent violations, the Licensee would be entitled to request a hearing of the matter as a contested case in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.; and

WHEREAS the Licensee understands these rights and has voluntarily waived the right to a hearing on the matters addressed in this Consent Order; and

WHEREAS, the Licensee has agreed for purposes of settlement to **ensure that all future Commitment and Lock-in Agreement disclosures comply with all regulatory requirements. The licensee agrees that going forward it will receive approval from the Department to store its books and records in an alternate location before doing so; and**

WHEREAS, without making any admission of liability with respect to any of the apparent violations cited in this Consent Order, the Licensee has agreed for purposes of settlement to pay civil administrative penalties in the amount of \$4,000; and

WHEREAS the parties to this Consent Order have determined that this matter is suitable for resolution upon the consent of the parties and that the Licensee and the Department desire to resolve this matter without a hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS on this 12<sup>th</sup> day of January 2017 ORDERED AND AGREED as follows:

- 1. The Licensee ensures that all future Commitment and Lock-in Agreement disclosures comply with all regulatory requirements. The licensee agrees that going forward it will receive approval from the Department to store its books and records in an alternate location before doing so**
- 2. Licensee shall pay civil administrative penalties in the amount of \$4,000.**

Payment shall be made as follows. The amount of said penalties is due in full upon entry into this Consent Order by means of a certified check, bank check or money order made payable to the "Treasurer, State of New Jersey" to be sent to:


**Department of Banking and Insurance  
Collections Bureau  
P.O. Box 325  
Trenton, New Jersey 08625  
Attention: Rose McGill**

This Consent Order shall be duly signed by an authorized representative of the Licensee and sent along with a copy of the proof of payment as listed above to:

**Department of Banking and Insurance  
Office of Consumer Finance  
P.O. Box 040  
Trenton, New Jersey 08625  
Attention: Troy Dayton**

3. Licensee consents to the entry of this Consent Order as a final administrative order, and Licensee understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et seq.

Consented to with respect to  
both form and content:

[LICENSEE] GUARDHILL FINANCIAL Corp.  
By:   
Print Name: G. Louis Sacchetti  
Title: COO  
Date: 1/9/2017

It is so ordered:

RICHARD J. BADOLATO, COMMISSIONER  
NEW JERSEY DEPARTMENT OF  
BANKING AND INSURANCE

By:   
Thomas M. Hunt, Assistant Director  
Office of Consumer Finance

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. IF COPIED THE WORD "VOID" WILL ALSO APPEAR.



CASHIER'S CHECK

9102285310

84 487  
1111

DATE 01/09/2017

ISSUING REGION 081

BRANCH 46th Street

BRANCH DID 46742

FOUR THOUSAND DOLLARS AND 00 CENTS

PAY TO THE ORDER OF \*\*\*TREASURER, STATE OF NEW JERSEY\*\*\*

\$ 4,000.00

Drawer: Capital One, N.A.

AUTHORIZED SIGNATURE

RE: GUARDHILL FINANCIAL CORP.

Read the reverse side for important information on the reissuance of lost, destroyed, or stolen cashier's check.

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈9102285310⑈ ⑆111104879⑆ 76 20⑈000⑆ 6⑈

CASHIER'S CHECK

9102285310



DATE 01/09/2017 FEE \$0.00

ISSUING REGION 081

BRANCH 46th Street

BRANCH DID 46742

FOUR THOUSAND DOLLARS AND 00 CENTS

PAY TO THE ORDER OF: \*\*\*TREASURER, STATE OF NEW JERSEY\*\*\*

\$ 4,000.00

RE: GUARDHILL FINANCIAL CORP.

CUSTOMER COPY  
NON-NEGOTIABLE