

STATE OF NORTH CAROLINA
WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO: 10:066:MBB
DOCKET NO: 10:067:RAL

IN RE:)
)
JEROME NYJUAN BELL, SR.) **VOLUNTARY SURRENDER**
License No. I-136731) **AND**
Registration No. I-138519) **ORDER**
)
)

This matter coming before the Commissioner of Banks (“Commissioner”), after an investigation and interview of Jerome Nyjuan Bell, Sr. (“Bell” or “Respondent”) during which it became clear that Respondent had violated the North Carolina Secure and Fair Enforcement Mortgage Lending Act (“NCSAFE”). The Respondent elected to surrender his loan originator license and his refund anticipation loan registration in lieu of an administrative hearing.

Based upon documentation in files of the Office of the Commissioner of Banks (the “OCOB”) for the Respondent and upon sworn representations of Billy J. Rodgers, financial crimes investigator for OCOB (“Investigator Rodgers” or “Rodgers”), the Commissioner makes the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

1. Respondent obtained a license as a mortgage loan officer under the provisions of the Mortgage Lending Act (MLA), on or about August 18, 2006, and was given license No. I-136731. That license was renewed for the license years ending June 30, 2007; December 2008; and December 2009. Respondent was licensed to act as residential mortgage loan officer under the provisions of the MLA and the North Carolina Secure and Fair Enforcement Mortgage Lending Act (“NCSAFE”).
2. Respondent registered with the OCOB as a refund anticipation lender Article 20 the Refund Anticipation Loan Act originally in January 2004 and was given registration number I-138519.
3. The investigation of Respondent began as a result of a complaint filed with the OCOB. On or about November 30, 2009, Investigator Rodgers was assigned to investigate the activities of the Respondent for possible violations of NCSAFE.

4. On March 11, 2010, Rodgers interviewed Jerome Bell, Sr. Respondent acknowledged the following:
 - A. Respondent had brokered twelve residential mortgage loans in the State of North Carolina while his loan originators license was not effective because he was not employed by a mortgage broker, affiliated mortgage banker, or mortgage banker licensed by the OCOB;
 - B. Respondent closed two loans while operating as a licensed loan originator for Amerisave Mortgage Corporation (“Amerisave”);
 - C. Respondent operated out of an office located at 109 Green Street, Suite 301A, Fayetteville, NC (the “Fayetteville Office”) without having a branch license for Amerisave;
 - D. Respondent had not been approved to be a branch manager for Amerisave or any other mortgage broker, affiliated mortgage banker licensed by the OCOB; and
 - E. Respondent paid all operating expenses for the Fayetteville Office including, but not limited to, rent, furniture, office equipment, phone bill and electric bill and was not reimbursed by Amerisave.
5. During the interview, the Respondent requested that the North Carolina Commissioner of Banks allow him to surrender his loan originator license and his refund anticipation loan registration. In that same interview, Respondent signed and delivered a Voluntary Surrender Statement (the “Surrender Statement”) in which he voluntarily surrendered his loan originator license and refund anticipation loan registration. A copy of the Surrender Statement signed by the Respondent and witnessed by Billy J. Rodgers is attached hereto and incorporated herein as Exhibit A.
6. On March 25, 2010, Billy J. Rodgers signed an affidavit (copy attached as Exhibit B) stating that during the interview conducted on March 11, 2010, Jerome Bell, Sr., admitted violations of NCSAFE.

II. CONCLUSIONS OF LAW

1. The Commissioner, in his capacity as hearing officer under the provisions of N.C. Gen. Stat. § 53-244.16 and Chapter 150B, may dispose of cases without the necessity of a formal hearing if facts and circumstances warrant, provided that can be done consistent with affording due process of law.

2. Effective July 31, 2009, the MLA was repealed and replaced with NCSAFE. The term “mortgage loan officer license” was changed to read “mortgage loan originator license.”
3. The Respondent was operating a net branch in violation of the MLA and the Commissioner’s Declaratory Ruling 2003-01, dated November 6, 2003, which specifically addresses net branching.
4. The Respondent violated NCSAFE by brokering twelve residential mortgage loans when he was not employed by a mortgage broker, affiliated mortgage lender, or mortgage broker, or mortgage servicer licensed by the OCOB in violation of N.C. Gen. Stat. § 53-244.100(b).
5. There is evidence and information that Respondent committed acts that, if proven in a formal hearing, would violate the MLA and NCSAFE and would warrant revocation of the Respondent’s loan originator license.
6. Respondent has offered to surrender his loan originator license and refund anticipation loan registration voluntarily as a settlement of OCOB allegations.
7. The goal of judicial economy would be better served by a summary disposition of this matter without the necessity of a formal evidentiary hearing, based on the withdrawal of Respondent from the mortgage business and the refund anticipation loan business and the surrender of his loan originator license and refund anticipation loan registration.
8. Surrender of a loan originator license in lieu of disciplinary action is permitted under N. C. Gen. Stat. § 53-244.116(b), if the Commissioner consents thereto.
9. It is in the public interest that the Respondent no longer engage in the mortgage business or refund anticipation loan business.

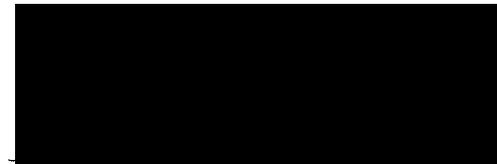
III. ORDER

1. The tender of surrender of Respondent’s mortgage loan officer license and refund anticipation loan registration in lieu of a revocation proceeding is accepted, on condition that Respondent fully perform Respondent’s obligations under the Voluntary Surrender Statement executed by Respondent on March 11, 2010.
2. Jerome N. Bell, Sr. shall reimburse the OCOB for investigative costs in the amount of \$1,895.65 within 30-days of receipt of this Order. In the event that reimbursement has not been paid to the Office of the Commissioner of Banks within 30-days of receipt of this Order, the Commissioner reserves the right to reopen this matter for further sanctions as allowed by N.C. Gen. Stat. § 53-

244.116(a)(3), including the immediate imposition of a civil money penalty for failure to comply with an order issued by the Commissioner.

3. No re-application from Respondent for licensure as a mortgage broker, lender, or loan originator may be made or will be considered. No registration from the Respondent for refund anticipation loan registration may be made or will be considered.
4. Respondent may not hereafter act as a mortgage lender, mortgage broker, or mortgage loan originator as those terms are defined in NCSAFE. Any activity by Respondent that involves performance of the functions of a mortgage loan originator will be a violation of law and punishable accordingly. Any person or firm employing Respondent to perform such functions will also be guilty of violation of law and punishable accordingly.
5. Respondent may not hereafter act as a refund anticipation lender under Article 20 of the North Carolina General Statutes. Any activity by Respondent that involves performance of the functions of a refund anticipation lender will be a violation of law and punishable accordingly.
6. Respondent is forever barred from engaging in the mortgage lending business or refund anticipation lending business in the State of North Carolina in any capacity.

This the 9th day of April, 2010.



Mark Pearce
Chief Deputy Commissioner of Banks

CERTIFICATE OF SERVICE

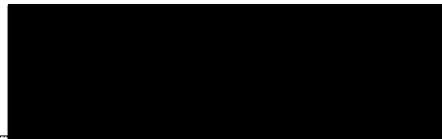
THE UNDERSIGNED hereby certifies that he has this day served a copy of the foregoing Final Decision and Order by personal delivery or by placing a copy of the same in the mail, at Raleigh, first class mail, postage prepaid and addressed to the persons below:

Jerome N. Bell, Sr.



Seth Rosebrock
North Carolina Department of Justice
Office of the Attorney General
Post Office Box 629
Raleigh, NC 27602-0629
Phone: (919) 716-6654

This the 14th day of April, 2010.



Daniel E. Garner, Executive Legal Specialist
Office of the Commissioner of Banks
4309 Mail Service Center
Raleigh, North Carolina 27699-4309
Phone: (919) 733-3016
Fax: (919) 733-6918

NORTH CAROLINA OFFICE OF THE COMMISSIONER OF BANKS
VOLUNTARY SURRENDER STATEMENT

Page 1 of 3

OCOB CASE #



1. I, the undersigned, currently have a Loan Officer license Numbered I-136731 issued by the Office of the Commissioner of Banks (OCOB).
2. I, the undersigned, currently am registered as a facilitator of refund anticipation loans, registration number [REDACTED] issued by the Office of the Commissioner of Banks (OCOB).
3. I understand that the OCOB has evidence and information which if presented at a revocation hearing would likely result in the revocation of my license and registration and could result in my being liable for investigative fees and civil money penalties.
4. I know that upon the Commissioner's acceptance of the surrender of my loan officer's license, I will no longer be able to work as or hold myself out to be a loan officer for any such company in the state of North Carolina for a period of time to be determined by the Commissioner, which could result in a permanent surrender of my broker's license. During this period of time, I will not solicit or accept North Carolina mortgage applications, nor shall I process, co-broker, or otherwise facilitate the making or brokering of North Carolina mortgage loans in any capacity.
5. I know that upon the Commissioner's acceptance of the surrender of my RAL registration I will no longer be able to work as a facilitator of refund anticipation loans for any such company in the state of North Carolina for a period of time to be determined by the Commissioner, which could result in a permanent surrender of my RAL registration. During this period of time, I will not facilitate the making of refund anticipation loans in any capacity.

I have read this statement consisting of 3 page(s) and I affirm to the truth and accuracy of the facts contained herein. This statement was completed at 1.40, on the 11 day of March 2008. 10/39

Witness: [Signature]

Witness: _____



Signature of Person giving statement

NORTH CAROLINA OFFICE OF THE COMMISSIONER OF BANKS
VOLUNTARY SURRENDER STATEMENT

Page 2 of 3

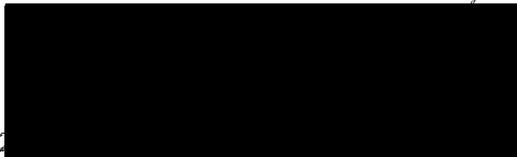
OCOB CASE #

6. I know that I brokered 12 residential mortgage loans on properties in the State of North Carolina while my loan originator's license was not effective due to the fact that I was not employed by a mortgage broker, affiliated mortgage banker, or mortgage banker licensed by the NCCOB.
7. I know that I was paid for two loans that closed while operating as a licensed loan originator for Amerisave Mortgage Corporation.
8. I know that I operated out of my office located at 109 Green St. Suite 301 A Fayetteville, NC without having a branch license to operate a branch office for Amerisave Mortgage Corporation.
9. I know that I have not been approved to be a branch manager for Amerisave Mortgage Corporation or any other mortgage broker, affiliated mortgage banker, or mortgage banker licensed by the NCCOB.
10. I know that I paid all the expenses to operate out of my office located at 109 Green St. Suite 301 A Fayetteville, NC and was not reimbursed for any of those expenses, including but not limited to, the rent for the office, the furniture and office equipment, and the daily operating expenses including the phone bill and electric bill.
11. I know that Amerisave Mortgage Corporation was fully aware that I was operating as a licensed loan originator for their company and was given the authorization to operate out of my office in Fayetteville, NC.
12. I understand that, if properly licensed in other states, I may continue to solicit and accept mortgages secured by properties located in these states. However, I agree that I will advise any mortgage broker or mortgage banker for whom I presently work or to whom I may apply for employment of the existence of this surrender agreement with the OCOB.
13. I understand that if the Commissioner decides to accept the surrender of my license and registration, a final non-appealable order will be entered by the Commissioner banning me from working in the mortgage industry and the refund anticipation loan industry in any capacity.
14. For the surrender to be effective, I understand that the Commissioner must agree to this surrender. I understand that if the Commissioner does not accept this surrender, the OCOB may proceed with a revocation hearing on any and all issues within the jurisdiction of the OCOB.

I have read this statement consisting of 1 page(s) and I affirm to the truth and accuracy of the facts contained herein. This statement was completed at 1:40, on the 11 day of March 2008. 10/11
BK

Witness: 

Witness: _____


Signature of Person giving statement

NORTH CAROLINA OFFICE OF THE COMMISSIONER OF BANKS
VOLUNTARY SURRENDER STATEMENT

Page 3 of 3

OCOB CASE #

15. I know that I must continue to cooperate with the OCOB in any investigation or examination now or in the future.
16. This surrender does not prevent the OCOB from proceeding with a revocation hearing if the Commissioner so decides.
17. I agree to pay the OCOB \$1,895.65 to offset the costs incurred by the OCOB staff in investigating this matter.
18. This action is being taken of my own free will without coercion, promise, or hope of reward, fear or threat of physical harm, favor or offer of favor, leniency or offer of leniency by any person or persons whomsoever.
19. I agree to comply promptly and fully with any OCOB request for assistance in resolving any complaint, any request for information, or any request for assistance with any examination or investigation now or in the future.
20. I wish to surrender my loan officer license and request that the Commissioner accept this surrender.
21. I wish to surrender my RAL registration and request that the Commissioner accept this surrender.

I have read this statement consisting of 3 page(s) and I affirm to the truth and accuracy of the facts contained herein. This statement was completed at 1:40, on the 11 day of March 2009. 10/3
BR

Witness: _____

Witness: _____

Signature of Person giving statement

Affidavit of
Investigator Billy J. Rodgers

Exhibit B

STATE OF NORTH CAROLINA
Before the Commissioner of Banks
Wake County
File No. 2009-0135

In Re:

**Loan Originator Jerome Nyjuan Bell, Sr.(I-136731)
Refund Anticipation Loan Registration [REDACTED]**

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)
CITY OF RALEIGH)

The undersigned affiant, being duly sworn deposes and states:

1. Billy J. Rodgers, your Deponent, states he is employed as an Investigator with the State of North Carolina, Office of the Commissioner of Banks (OCOB), located at 316 West Edenton Street, Raleigh, North Carolina 27603.
2. Your Deponent's employment responsibilities include investigating a wide variety of financial crimes involving the Banking Laws of this State; including, but not limited to, mandated licensure requirements and real estate transactions regulated by the OCOB and found in the North Carolina Secure and Fair Enforcement Mortgage Lending Act (NC SAFE) Article 19 B of Chapter 53.
3. On or about 11/30/2009 your Deponent was assigned an investigation (2009-0135) that alleged (*inter alia*) violation(s) of the North Carolina Secure and Fair Enforcement Mortgage Lending Act (NC SAFE) Article 19 B of Chapter 53.
4. As a result of this investigation, Loan Originator Jerome Nyjuan Bell Sr.(I-136731) who is also registered as a facilitator of refund anticipation loans, registration number [REDACTED] did on 03/11/2010, sign a North Carolina Office of The Commissioner of Banks Voluntary Surrender Statement confirming to your Deponent the following:
 - A. Bell brokered 12 residential mortgage loans on properties in the State of North Carolina while his loan originator's license was not effective due to the fact that he was not employed by a mortgage broker, affiliated mortgage banker, or mortgage banker licensed by the NCCOB.
 - B. Bell was paid for two loans that closed while operating as a licensed loan originator for Amerisave Mortgage Corporation.
 - C. Bell operated out of his office located at 109 Green St. Suite 301 A Fayetteville, NC without having a branch license to operate a branch office for Amerisave Mortgage Corporation.
 - D. Bell was not approved to be a branch manager for Amerisave Mortgage Corporation or any other mortgage broker, affiliated mortgage banker, or mortgage banker licensed by the NCCOB.
 - E. Bell paid all the expenses to operate out of his office located at 109 Green St. Suite 301 A Fayetteville, NC and was not reimbursed for any of those expenses, including but not limited to, the rent for the office, the furniture and office equipment, and the daily operating expenses including the phone bill and electric bill.
 - F. Bell stated that Amerisave Mortgage Corporation was fully aware that he was operating as a licensed loan originator for their company and was given the authorization to operate out of his office in Fayetteville, NC.
 - G. Bell agreed to pay the OCOB \$1,895.65 to offset the costs incurred by the OCOB staff in investigating this matter.

Affidavit of
Investigator Billy J. Rodgers

5. On 03/11/2010, your Deponent personally interviewed Loan Originator Jerome Bell, Sr. During the interview it was determined that , Loan Originator Jerome Bell, Sr. had violated the North Carolina Secure and Fair Enforcement Mortgage Lending Act (NC SAFE) Article 19 B of Chapter 53.
6. Due to the fact that, Loan Originator Jerome Bell, Sr. did unlawfully engage in acts prohibited under the North Carolina Secure and Fair Enforcement Mortgage Lending Act (NC SAFE) Article 19 B of Chapter 53, he requested that the North Carolina Office of The Commissioner of Banks ("NCCOB") allow him to surrender his loan originator's license numbered I-136731.
7. Due to the fact that, Loan Originator Jerome Bell, Sr. did unlawfully engage in acts prohibited under the North Carolina Secure and Fair Enforcement Mortgage Lending Act (NC SAFE) Article 19 B of Chapter 53, he requested that the North Carolina Office of The Commissioner of Banks ("NCCOB") allow him to surrender his refund anticipation loans, registration numbered [REDACTED]
8. Pursuant to this surrender Loan Originator Jerome Bell Sr. will not solicit or accept North Carolina mortgage applications, nor shall he process co-broker, or otherwise facilitate the making or brokering of North Carolina mortgage loans in any capacity, nor shall he hold himself out to be a Residential Mortgage Loan Originator, Branch Manager, or Qualifying Individual for the purpose of facilitating the making or brokering of North Carolina mortgage loans.
9. Pursuant to this surrender Jerome Bell Sr. will no longer be able to work as a facilitator of refund anticipation loans for any such company in the state of North and agreed to not facilitate the making of refund anticipation loans in any capacity.

[REDACTED]
Billy J. Rodgers - Investigator

3. 25-2010
Date

Sworn to and subscribed before me

This the 25 day of March, 2010

Ha Nguyen
(Notary Public)

My Commission Expires: 12/16/2014

