

Suffolk, SS.

In the Matter of
Anthony Focca

Mortgage Loan Originator
License No. MLO14137

CONSENT ORDER

WHEREAS, the Division also has jurisdiction over the licensing and regulation of persons and entities engaged in the business of a mortgage lender in Massachusetts pursuant to Massachusetts General Laws chapter 255E, section 2;

WHEREAS, Anthony Focca is licensed by the Commissioner as a mortgage loan originator under M.G.L. chapter 255F, section 2. According to records maintained on file with the Division and the Nationwide Multi State Licensing System & Registry (NMLS), the Commissioner initially issued a mortgage loan originator license, license number MLO14137, to Anthony Focca to engage in the business of a mortgage loan originator on or about August 18, 2022;

WHEREAS, according to records maintained on file with the Division and the NMLS, Anthony Focca is a control person of think one mortgage inc., a licensed mortgage lender ML125182 in the Commonwealth of Massachusetts;

WHEREAS, pursuant to M.G.L. chapter 255F, section 8, Massachusetts licensed mortgage loan originators must annually complete a minimum of 8 hours of continuing education courses (CE) approved by the NMLS;

WHEREAS, the Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act) requires that state-licensed mortgage loan originators complete pre-licensing (PE) and continuing education (CE) courses as a condition to be licensed and also requires that all education completed as a condition for state licensure be approved by the NMLS;

WHEREAS, the NMLS has established a Rules of Conduct (ROC) to further ensure students meet the education requirements of the SAFE Act and NMLS Education Students completing PE and CE courses agree to abide by the ROC which state, in relevant part:

4. I will not divulge my login ID or password or other login credential(s) to another individual for any online course.
5. I will not seek or attempt to seek outside assistance to complete the course.
6. I will not give or attempt to give assistance to any person who is registered to take an NMLS approved pre-licensure or continuing education course.

9. I will not engage in any conduct that is dishonest, fraudulent, or would adversely impact the integrity of the course(s) I am completing and the conditions for which I am seeking licensure or renewal of licensure.

WHEREAS, on or about February 4, 2010, the Mortgage Testing and Education Board (MTEB), acting on behalf of the State Regulatory Registry (SRR) and the NMLS approved Administrative Action Procedures for SAFE Testing and Education Requirements, which extends administrative authority to the MTEB/SRR to investigate alleged violations of the NMLS ROC, which apply to all SAFE MLO test takers and education students;

WHEREAS, on or about September 3, 2024, and based upon the aforementioned information in the Suspicious Report, the SRR Investigative Review Committee (IRC) sent Anthony Focca a “Notice of Investigation” notifying him of the investigation into the suspected violation of the NMLS ROC and his rights associated with the investigation to include the opportunity to respond to the suspected violation;

WHEREAS, on or about November 4, 2024, the IRC sent Anthony Focca a “Notice of Determination” notifying him that the SRR completed the investigation and determined that he violated the NMLS ROC. The Notice of Determination also informed Anthony Focca of his rights associated with the investigation to include the opportunity to appeal the IRC’s determination that he violated the NMLS ROC;

WHEREAS, based upon a review and investigation of information provided to the Division, Anthony Focca violated the ROC;

WHEREAS, the violations of the ROC, as described above, are evidence that Anthony Focca has failed to exhibit the character, reputation, integrity, and general fitness such as to command the confidence of the community that would be required in order to hold a mortgage loan originator license pursuant to Massachusetts General Laws chapter 255F, section 4(a)(iii) and the Division's regulation 209 C.M.R. 41.04(2)(d);

WHEREAS, the parties now seek to resolve by mutual agreement the matters identified above.

ORDER

NOW COME the parties in the above-captioned matter, the Division and Anthony Focca, and stipulate and agree as follows:

1. Immediately upon the effective date of this Consent Order, Anthony Focca will refrain from negotiating, soliciting, arranging, providing, or accepting any Massachusetts residential mortgage loan application, or assisting any consumer in completing such application, or otherwise operate as a mortgage loan originator, as that term is defined under M.G.L. chapter 255F, section 1.

2. Immediately upon the effective date of this Consent Order, the Division will update the license status of Anthony Focca in Massachusetts in the NMLS to "Terminated – Ordered to Surrender."

3. Anthony Focca will refrain from submitting an application for a mortgage loan originator license issued by the Commissioner for a period of three (3) months from the effective date of this Consent Order (the Term).

4. Anthony Focca shall remit one thousand dollars (\$1,000.00) to the Commonwealth of Massachusetts Mortgage Education Trust upon execution of this Consent Order. The funds

shall be payable by cashier's check to the "Commonwealth of Massachusetts, Division of Banks Mortgage Loan Settlement Trust" and mailed to the Division of Banks, Attn: Mortgage Examination Unit, 1000 Washington Street, 10th Floor, Boston, Massachusetts 02118.

5. Anthony Focca is prohibited from taking an ownership position in any additional entity licensed and regulated by the Division beyond think one mortgage, inc., and from participating, in any manner, in the responsibilities or duties of a control person of any additional other licensed or chartered entity for a period of three (3) months. For the purposes of this Consent Order, "control" shall be defined as the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. To the extent that Anthony Focca wishes to resume or engage in business as a licensed mortgage loan originator at the expiration of the Term, Anthony Focca shall be required to submit a completed application to obtain the relevant license from the Commissioner. Further, Anthony Focca shall demonstrate and attest that he completed eight (8) hours of ethics training in person within one year of the date of his application. Such training must be approved by the NMLS and proof of compliance shall be provided to the Division. The Commissioner shall have all of the discretion set forth within M.G.L. chapter 255F, section 4 and the Division's implementing regulation 209 C.M.R. 41.00 *et seq.* in determining whether to issue a license to Anthony Focca to conduct the licensed business; provided, however, that any such application shall not be denied because Anthony Focca entered into or agreed to the issuance of this Consent Order.

6. The provisions of this Consent Order shall not limit, estop, or otherwise prevent any other state agency or department from taking any other action affecting Anthony Focca.

7. In accordance with the terms of the Consent Agreement entered by Anthony Focca and the Commissioner, Anthony Focca has waived all rights of appeal that he may have relative to this Consent Order or any of its provisions.

8. The provisions of this Consent Order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this Consent Order shall have been modified, terminated, suspended, or set aside by the Commissioner or upon an order of a court of competent jurisdiction.

9. This Consent Order and the Consent Agreement are the complete documents representing the resolution of this matter. There are no other agreements, promises, representations, or warranties other than those set forth in this Consent Order and the Consent Agreement.

BY ORDER AND DIRECTION OF THE COMMISSIONER OF BANKS:

Dated at Boston, Massachusetts, this 27th day of January, 2025.

By:
Mary L. Gallagher
Commissioner of Banks
Commonwealth of Massachusetts