

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2
3 In the Matter of the Mortgage Broker License of:

No. 09F-BD065-BNK

4 **MAXWELL FUNDING, INC., DBA**
5 **MAXWELL FUNDING GROUP and**
6 **LINTON AVERY MAXWELL, PRESIDENT,**
4333 W. Range Mule Drive,
Glendale, Arizona 85310

CONSENT ORDER

7 Respondents.

8
9 On April 29, 2009, the Arizona Department of Financial Institutions ("Department")
10 issued an Order of Summary Suspension and Notice of Hearing to Revoke, alleging that
11 Respondents had violated Arizona law. Wishing to resolve this matter in lieu of an
12 administrative hearing, Respondents admit to the following Findings of Fact and Conclusions of
13 Law, and consent to the entry of the following Order.

14 FINDINGS OF FACT

15 1. Respondent Maxwell Funding, Inc., DBA Maxwell Funding Group,
16 ("MAXWELL") is an Arizona corporation authorized to transact business in Arizona as a
17 mortgage broker, license number MB 0905751, within the meaning of A.R.S. §§ 6-901, *et seq.*
18 The nature of MAXWELL's business is that of making, negotiating, or offering to make or
19 negotiate loans secured by Arizona real property, within the meaning of A.R.S. § 6-901(8).

20 2. Respondent Linton Avery Maxwell, ("Mr. Maxwell") is the sole member and one
21 hundred percent (100%) owner of MAXWELL. Mr. Maxwell is authorized to transact business
22 in Arizona as a mortgage broker within the meaning of A.R.S. § 6-903(E).

23 3. MAXWELL, before conducting business as a mortgage broker, is required to
24 have a surety bond, deposited with the Superintendent, pursuant to A.R.S. § 6-903(G), in the
25 required amount pursuant to A.R.S. § 6-903(H).

1 4. On August 20, 2008, the Department received a Cancellation Notice from Old
2 Republic Surety Company ("Old Republic"), stating that MAXWELL's surety bond, number
3 20801, in the amount of ten thousand dollars (\$10,000.00), is being cancelled effective
4 September 20, 2008.

5 5. On August 21, 2008, the Department sent a letter via certified mail to
6 Respondents, informing them of the bond cancellation.

7 6. On October 6, 2008, the Department received a Mortgage Broker License
8 Renewal Application ("Renewal") for MAXWELL. The renewal was signed by Mr. Maxwell
9 on October 6, 2008. Mr. Maxwell answered "Yes" to question number 8 of the Renewal which
10 asks, "Are you carrying the appropriate bond coverage?"

11 7. The Renewal also disclosed an address of 4333 W. Range Mule Dr., Glendale,
12 AZ 85310. This address is not the same as the address on record for the Department, which is
13 1628 E. Tonopah Drive, Phoenix, AZ 85024. Therefore, Respondents are not in compliance
14 with Arizona Administrative Code R20-4-916 which states "If the address of the principal place
15 of business or of any branch office is changed, the licensee shall notify the Superintendent of the
16 change within five business days after the occurrence of the change of location. Together with
17 such notice, the licensee shall provide to the Department the license for the office changing
18 addresses together with the fee required by A.R.S. § 6-126 for changing the address of an office.
19 A copy of such license shall continue to be displayed at the place of business until a new license
20 issued."

21 8. On October 16, 2008, the Department received notice that MAXWELL's renewal
22 fee check had been returned, marked "Account Closed."

23 9. On December 2, 2008, the Department sent written correspondence to Mr.
24 Maxwell regarding the cancelled bond, returned check the Department received for
25 MAXWELL's renewal, and the change of address. To date, the Department has only received a
26 certified check for the renewal fee that was returned as "Account Closed."

1 E. The violations, set forth above, constitute grounds for the pursuit of any other
2 remedy necessary or proper for the enforcement of statutes and rules regulating mortgage
3 brokers in Arizona pursuant to A.R.S. §§ 6-123 and 6-131.

4 F. Pursuant to A.R.S. § 6-132, Respondents' violations of the aforementioned
5 statutes are grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for
6 each violation for each day.

7 **ORDER**

8 1. Mortgage Broker License, No. MB 0905751, issued in the name of Maxwell
9 Funding, Inc., is hereby immediately revoked and shall immediately be surrendered to the
10 Department upon execution of this Consent Order.

11 2. The provisions of this Order shall be binding upon Maxwell Funding, Inc., DBA
12 Maxwell Funding Group, and Linton Avery Maxwell, and their employees, agents, and other
13 persons participating in the conduct of the affairs of Maxwell Funding, Inc., DBA Maxwell
14 Funding Group.

15 SO ORDERED this 23 day of June, 2009.

16
17 By: 

18 Robert D. Charlton
19 Assistant Superintendent of Financial Institutions

20 **CONSENT TO ENTRY OF ORDER**

21 1. Respondents acknowledges that they have been served with a copy of the
22 foregoing Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, have
23 read the same, are aware of their right to an administrative hearing in this matter, and have
24 waived the same.

25 2. Respondents admit the jurisdiction of the Superintendent and consent to the entry
26 of the foregoing Findings of Fact, Conclusions of Law, and Order.

3. Respondents state that no promise of any kind or nature has been made to induce

1 them to consent to the entry of this Order, and that they have done so voluntarily.

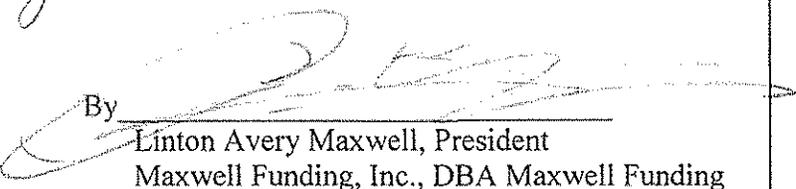
2 4. Respondents consent to the revocation of their mortgage broker license, No. MB
3 0905751.

4 5. Respondents acknowledge that the acceptance of this Agreement by the
5 Superintendent is solely to settle this matter and does not preclude this Department, any other
6 agency or officer of this state or subdivision thereof from instituting other proceedings as may be
7 appropriate now or in the future.

8 6. Linton Avery Maxwell, on behalf of Maxwell Funding, Inc., DBA Maxwell
9 Funding Group, and himself represents that he is the President, and that, as such, has been
10 authorized by Maxwell Funding, Inc., DBA Maxwell Funding Group to consent to the entry of
11 this Order on its behalf.

12 7. Respondents waive all rights to seek judicial review or otherwise to challenge or
13 contest the validity of this Order.

14 DATED this 18 day of June, 2009.

15
16 By 

Linton Avery Maxwell, President
Maxwell Funding, Inc., DBA Maxwell Funding
Group, and Individually

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19 ORIGINAL of the foregoing filed this 24th
20 day of June, 2009, in the office of:

21 Felecia Rotellini
22 Superintendent of Financial Institutions
23 Arizona Department of Financial Institutions
24 ATTN: Susan Longo
25 2310 N. 44th Street, Suite 310
26 Phoenix, Arizona 85018

1 COPY mailed/delivered same date to:

2 Robert D. Charlton, Assistant Superintendent
3 Richard Fergus, Division Manager Licensing
4 Arizona Department of Financial Institutions
5 2910 N. 44th Street, Suite 310
6 Phoenix, Arizona 85018

7 Liane C. Kido
8 Consumer Protection and Advocacy Division
9 1275 W. Washington Street
10 Phoenix, Arizona 85007

11 Maxwell Funding, Inc. DBA Maxwell Funding
12 Group
13 Attn: Linton Avery Maxwell, Owner
14 4333 W. Range Mule Drive
15 Glendale, Arizona 85310

16 Maxwell Funding, Inc., DBA Maxwell Funding
17 Group
18 Attn: Ronald G. Knott, Statutory Agent
19 10830 N. 71st Place, #105
20 Scottsdale, Arizona 85254

21 By: 

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