

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

FILED
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PA DEPARTMENT OF
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND
SECURITIES, COMPLIANCE OFFICE

v.

DANIEL BOYLE

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:Docket No.: 25 0008 (BNK-ORD)
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NOTICE TO ANSWER AND REQUEST A HEARING

You have the right to challenge the attached Order to Show Cause (“Order”) by filing an Answer, in writing, with the Docket Clerk **within 30 days** of the date of this Order as required by 1 Pa. Code § 35.37. **If you do not file an Answer within 30 days, then you will waive your right to a hearing and the Banking and Securities Commission (“Commission”) may enter a final order against you.**

Your Answer must be in writing. Your Answer must specifically admit or deny the allegations in the Order, set forth the facts you rely upon, and state concisely the law upon which you rely. General denials of the allegations set forth in the Order are not sufficient; you must support your denials with specific facts. Failure to support your denials with specific facts may cause the Commission to deem the facts in the Order as admitted and to enter a final order against you, without a hearing.

The Answer and any other documents must be filed via first-class mail and electronic mail with the Docket Clerk:

Linnea Freeberg, Docket Clerk
Pennsylvania Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, Pennsylvania 17101
Email: RA-BNDOCKETCLERK@pa.gov

Further, you must serve a copy of the Answer and any other documents on the person who signed the Order by providing a hard and electronic copy to his or her counsel indicated below:

Office of Chief Counsel
Pennsylvania Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, Pennsylvania 17101
Email: RA-BNChiefCounsel@pa.gov

Once you file your Answer, you will be notified of pertinent information such as the name of the presiding officer designated by the Banking and Securities Commission to hear this matter and, if a hearing is scheduled, the date, time, and location of the hearing. You have the right to be represented by an attorney.

The hearing and all other procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251.

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ORDER TO SHOW CAUSE

You, Daniel Boyle (“Respondent Boyle”), are notified that the Commonwealth of Pennsylvania Department of Banking and Securities (“Department”), through the Compliance Office (“Office”), hereby **ORDERS YOU TO SHOW CAUSE** why the Banking and Securities Commission (“Commission”) should not impose the sanctions and remedies described below. Specifically, this proceeding is instituted pursuant to 1 Pa. Code § 35.14 to determine:

- (1) whether the allegations set forth below are true; and
- (2) if these allegations are true, whether there has been a violation of the Pennsylvania Mortgage Licensing Act, 7 Pa.C.S. §6101 *et seq.* (“MLA”) or of the regulations promulgated thereunder; and
- (3) if so, whether the sanctions and remedies proposed by the Office should be imposed.

The Office alleges the following facts and violations of law for the purpose of tentatively framing the issues for consideration by the Commission. The Commission may consider this matter directly or may designate a hearing officer to issue a recommended decision prior to the Commission issuing a final order.

**STATEMENT OF THE PARTICULARS AND MATTERS
CONCERNING WHICH THE OFFICE IS INQUIRING**

PARTIES

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the MLA.

2. The Office is primarily responsible for administering and enforcing the MLA for the Department.

3. The Office operates from the Department's main office located at 17 North Second Street, Suite 1300, Harrisburg, Pennsylvania 17101.

4. Respondent Boyle has addresses at
Redacted , Redacted ,
Redacted .

MORTGAGE LICENSING ACT

5. Section 6111(a) of the MLA provides that "no person shall engage in the mortgage loan business in this Commonwealth without being licensed as a mortgage broker, mortgage lender, mortgage servicer or mortgage originator as provided under this chapter." 7 Pa.C.S. § 6111(a).

6. Section 6102 of the MLA defines "person" as "[a]n individual, association, joint venture or joint-stock company, partnership, limited partnership, limited partnership association, limited liability company, business corporation, nonprofit corporation or any other group of individuals, however organized." 7 Pa. C.S. § 6102.

7. Section 6102 of the MLA defines “mortgage loan business” as “(1) advertising, causing to be advertised, soliciting, negotiating or arranging in the ordinary course of business or offering to make or making mortgage loans, or (2) servicing mortgage loans.” 7 Pa. C.S. § 6102.

8. Section 6102 of the MLA defines “mortgage loan” as “[a] first or secondary mortgage loan, or both, a lease-purchase agreement or a mortgage loan modification, as the context may require.”

9. Section 6102 of the MLA defines “first mortgage loan” as a loan “(1) made primarily for personal, family or household use; and (2) secured by any first lien mortgage, deed of trust or equivalent consensual security interest on a dwelling or on residential real estate.”

10. Section 6102 of the MLA defines “secondary mortgage loan” as a loan “(1) made primarily for personal, family or household use; and (2) secured by any secondary lien mortgage, deed of trust or equivalent consensual security interest on a dwelling or on residential real estate.”

11. Section 6102 of the MLA defines “mortgage lender” as “[a] person who engages in the mortgage loan business by directly or indirectly originating and closing mortgage loans with its own funds in the primary market for consideration.” 7 Pa. C.S. § 6102.

12. Section 6102 of the MLA defines “service mortgage loan” as “collecting or remitting payment or the right to collect or remit payments of principal, interest, tax, insurance or other payment under a mortgage loan.” 7 Pa. C.S. § 6102.

13. Section 6140 of the MLA provides that “[a] person subject to the provisions of this chapter and not licensed by the department who violates any provision of this chapter or who commits any action which would subject a license to suspension, revocation or nonrenewal under section 6139 (relating to suspension, revocation or refusal) may be fined by the department up to \$10,000 for each offense.” 7 Pa.C.S. §6140.

FACTUAL ALLEGATIONS

14. On January 3, 2024, the Office received information that Respondent Boyle may have engaged in the mortgage loan business in Pennsylvania.

15. The Department's records reflect that Respondent Boyle is not licensed with the Department pursuant to the MLA as a mortgage broker, mortgage lender, mortgage servicer, nor mortgage originator.

16. Staff of the Office ("Staff") conducted a search of Dauphin County, Pennsylvania property records, which revealed that, from in or about March 2009 until December 2023, Respondent Boyle served as the lender in at least 222 mortgages recorded in Dauphin County, ranging in the amount of \$10,478 to \$84,500.

17. On January 17, 2024, Staff contacted Respondent Boyle via telephone.

18. During the telephone call, Respondent Boyle confirmed to Staff that he made loans to individuals in Pennsylvania, and Respondent Boyle told Staff that the loans were secured by mortgages.

19. Staff informed Respondent Boyle that Respondent Boyle was prohibited under the MLA from engaging in the mortgage loan business in Pennsylvania without a license from the Department.

20. On January 17, 2024, Staff sent Respondent Boyle an email that provided the requirements to obtain a mortgage lender license in Pennsylvania. Additionally, Staff included as an attachment to the email, a PDF copy of the MLA.

21. On January 19, 2024, Respondent Boyle left a voice message for Staff.

22. Respondent Boyle stated in the voice message that he will "just have to find another way" to secure his mortgage lending to avoid a technical violation of the MLA.

23. Respondent Boyle has had no further communication with the Office.

24. On February 29, 2024, the Office issued an Order, ordering that Respondent Boyle immediately Cease and Desist from engaging in the mortgage loan business in Pennsylvania, including but not limited to advertising, soliciting, negotiating or offering to make or mortgage loans, or collecting payments of principal, interest, tax, insurance or other payments under mortgage loans, until such time that he is licensed under the MLA.

25. On February 29, 2024, the Department issued an Investigative Subpoena for the Production of Documents and Information relating to Respondent Boyle's activity in the mortgage loan business.

26. On April 23, 2024, legal counsel for the Respondent sent a letter titled, "Response to Request For Production of Documents and Information," to the Office.

27. The letter failed to provide any documents or information as requested in the subpoena, asserting "his constitutional privilege against self-incrimination afforded him by Article 1, Section 9 of the Pennsylvania Constitution, and the 5th Amendment to the United States Constitution."

COUNTS

Conduct Forming Basis to Impose Administrative Penalty Pursuant to Section 6140(a) of the MLA

222 Counts

28. Paragraphs 1 through 27 are incorporated herein by reference as if set forth in their entirety.

29. By engaging in the acts and conduct set forth in paragraphs 14 through 27, Respondent Boyle, who is not and has never been licensed by the Department under the MLA or in any other manner, has engaged in the mortgage loan business in Pennsylvania as defined in

§6102 of the MLA by soliciting, negotiating, offering to make and making mortgage loans in violation of §6111(a) of the MLA, which acts and conduct form a basis to impose an administrative penalty pursuant to Section 6140(a) of the MLA.

SANCTIONS AND REMEDIES

WHEREAS, the Compliance Office respectfully requests the penalties and relief pursuant to its authority under the MLA:

1. That Respondent Boyle be ordered to pay an administrative penalty of up to \$10,000.00 for each act or omission constituting a violation of the MLA, pursuant to Section 6140 of the MLA.

IT IS SO ORDERED.



FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES
COMPLIANCE OFFICE

Redacted

Tim Knopp
Deputy Secretary for Non-Depository Institutions

Dated: 3/11/2025

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing ***Order to Show Cause*** upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §§ 33.35, 33.36 and 33.37:

BY CERTIFIED AND FIRST-CLASS MAIL

Daniel Boyle
Redacted

Daniel Boyle
Redacted

Daniel Boyle
Redacted

Dated: 3/13/25

Redacted

Eileen Smith
Legal Office Administrator
Office of Chief Counsel
FOR: Commonwealth of Pennsylvania
Department of Banking and Securities
Market Square Plaza
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Harrisburg, PA 17101
(717) 787-1471