

State of New York
Banking Department

In the Matter of

Destiny Funding Corp.
A005063

A Mortgage Broker registered pursuant to
Article 12-D of the Banking Law

(Registrant)

SETTLEMENT AGREEMENT

WHEREAS, Destiny Funding Corp. ("Registrant") is a registered mortgage broker in the State of New York; and

WHEREAS, pursuant to Section 597 of the Banking Law and Part 410.8(b) of the Superintendent's Regulations, Registrant is required to annually file a report with the Superintendent giving such information as the Superintendent may require concerning the business and operations of Registrant during the preceding calendar year; and

WHEREAS, on February 1, 2007, the Banking Department notified Registrant by mail to complete a Volume of Operations Report ("VOOR") for the 2006 calendar and submit it no later than March 19, 2007; and

WHEREAS, on April 6, 2007, the Banking Department notified Registrant by certified mail with return receipt requested that Registrant had failed to file a 2006 VOOR in violation of Section 597 of the Banking Law and Part 410.8(b) of the Superintendent's Regulations; that the period to file the 2006 VOOR was extended to April 27, 2007; and that failure to file the 2006 VOOR by April 27, 2007 would result in (i) the levy of a fine against Registrant at the rate of \$500 per day, for every day after April 20, 2007, that Registrant failed to submit the VOOR and (ii) suspension of Registrant's broker registration and a hearing being scheduled for revocation; and

WHEREAS, the Banking Department received Registrant's 2006 VOOR February 26, 2008; and

WHEREAS, the Superintendent and the Registrant mutually agree to resolve the aforementioned violation as stipulated below.

NOW, THEREFORE IT IS STIPULATED AND AGREED BY THE PARTIES HERETO AS FOLLOWS:

THAT, Registrant agrees as follows:

1. Registrant understands the terms and conditions of the Settlement Agreement, freely and voluntarily waives its right to a hearing on the charges made and any and all appeal relating to this matter.
2. Registrant will take all necessary steps to ensure compliance with all applicable laws and regulations.
3. Registrant agrees to the payment of a fine in the amount of **\$10,000** in twelve installments, with the first installment of **\$500** due by the close of business March 4, 2008. The remaining 11 payments, due by the 5th of each month are to be paid as follows one installment of **\$870** and ten installments of **\$863** until the fine is fully paid. The installments shall be made in electronic transfers, in immediately available funds, pursuant to transfer instructions received from the Banking Department. Failure to make timely payment on any of the installments shall result in immediate revocation of Registrant's registration.

4. All communication regarding this Settlement Agreement shall be sent to:

Rholda L. Ricketts
Deputy Superintendent of Banks
Mortgage Banking Department
New York State Banking Department
One State Street
New York, NY 10004

Mr. Joseph James Cerullo
Destiny Funding Corp.
500 Old Country Road, Suite 315
Garden City, NY 11530

5. The provisions of this Settlement Agreement shall not bar, estop or otherwise prevent the Superintendent, or any state or federal agency or department, from taking any other action affecting Registrant, any of its current or former officers, directors, employees, or insiders, or their successors or assigns in connection with any matter relating to this Settlement Agreement. Nor shall this Agreement bar, estop or otherwise prevent the Superintendent from entering any other action affecting Registrant, any of its current or former officers, directors, employees, or insiders, or their successors or assigns in connection with any matters not covered by this Agreement.

6. No extension or waiver of the terms of this Settlement Agreement shall be binding on the Banking Department unless it is in writing and signed by the Superintendent.
7. Each provision of this Settlement Agreement shall remain effective and enforceable until stayed, modified, terminated or suspended in writing by the Superintendent.
8. The effective date of this Settlement Agreement is the date on which it is executed by the Superintendent or Deputy.
9. The provisions of this Settlement Agreement are not confidential.

Agreed to and accepted:

New York State
Banking Department

Destiny Funding Corp.

by: _____
Rholda L. Ricketts
Deputy Superintendent of Banks

by: _____
Mr. Joseph James Cerullo
Owner

Dated: _____

Dated: _____