

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2011-AH-0111**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

MATTHEW F. DWORNING

RESPONDENT

**ORDER DENYING APPLICATION FOR  
MORTGAGE LOAN ORIGINATOR REGISTRATION**

\* \* \* \* \*

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Financial Institutions (“DFI”), and hereby enters this **Order Denying Application for Mortgage Loan Originator Registration** of Matthew F. Dworning (“Respondent”). In support, the DFI states as follows:

**FINDINGS OF FACT**

1. The DFI is responsible for regulating and licensing mortgage loan brokers, mortgage loan companies, mortgage loan originators, and mortgage loan processors in accordance with the provisions set forth in KRS Chapter 286.8, the Mortgage Licensing and Regulation Act (the “Act”).

2. Respondent has applied for registration as a mortgage loan originator, pursuant to KRS 286.8-255. Respondent’s last known address is 9560 Hoose Road, Mentor, Ohio 44060. His Nationwide Mortgage Licensing System and Registry number is 128342.

3. During the course of reviewing Respondent’s application information, the DFI determined that Respondent did not demonstrate sufficient financial responsibility

to ensure compliance with the registration requirements of KRS 286.8-255(9)(c) and 808 KAR 12:021(5).

4. On April 29, 2011, the DFI mailed a letter via first class mail to Respondent at his last known address requesting that he provide additional information about and an explanation of his financial responsibility within ten (10) days thereafter, and warning that failure to respond will result in the denial of his application for registration.

5. Shortly thereafter, the DFI received a letter from Respondent discussing his credit history and financial responsibility. However, the DFI determined that Respondent's explanation was insufficient to satisfy the requirements of the Act.

6. On June 2, 2011, the DFI mailed a letter via first class mail to Respondent at his last known address advising that Respondent does not currently meet Kentucky's minimum requirements for registration under the Act, and offering Respondent twenty (20) days within which to withdraw his application or else his application for registration would be denied.

7. The DFI received no response from Respondent to its June 2, 2011, and Respondent did not withdraw his application.

#### **STATUTORY AUTHORITY**

8. No person shall transact business in Kentucky as a mortgage loan originator or a mortgage loan processor unless that person is registered with DFI, has been issued a current certificate of registration by DFI, and complies with all the applicable requirements of KRS Chapter 286.8. *See* KRS 286.8-255(1); *See Also* KRS 286.8-030(1)(c).

9. Pursuant to KRS 286.8-255(9)(c), “No mortgage loan originator or mortgage loan processor shall be granted or shall be entitled to maintain a certificate of registration unless he or she satisfies the following minimum standards for registration: ...The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator or loan processor will operate honestly, fairly, lawfully, and efficiently within the purposes of the subtitle.”

10. Pursuant to KRS 286.8-090(1), “The executive director may...refuse to issue or renew a license, registration or exemption...if the executive director finds that the person, applicant, licensee, or registrant:

(a) Does not meet, no longer meets, or has failed to comply with the requirements of this subtitle; ...[or]

(p) Has abandoned an application by failing to provide the executive director any information required under this subtitle, or requested by the executive director, to complete an application.

11. Pursuant to KRS 286.8-044(1), “Notice of entry of any order of suspension or denial of a license, registration, or claim of exemption to any applicant, registrant, or licensee shall be given in writing and served personally or sent by certified mail to the last known address of the person affected. The affected person, upon timely written request to the executive director, shall be entitled to a hearing in accordance with the provisions of KRS Chapter 13B; but if no written request is received within twenty (20) days of service of the notice, the executive director shall enter a final order suspending or denying the license or registration.”

12. Pursuant to KRS 286.8-044(3), service by certified mail shall be complete upon the earlier of the following:

- (a) The date on which the person receives the mail;
- (b) The date on which the agency receives the return receipt; or
- (c) The date on which the agency receives notice that the mail has been returned undelivered.

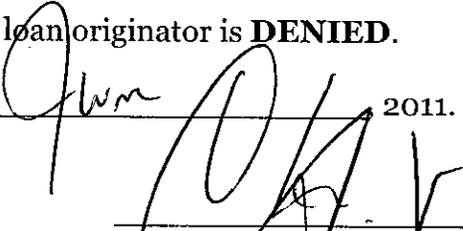
**CONCLUSIONS**

13. Respondent has not demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator or loan processor will operate honestly, fairly, lawfully, and efficiently within the purposes of the Act, pursuant to KRS 286.255(9)(c).

**ORDER**

Based on the findings of fact, statutory authority, conclusions set forth above, the Commissioner **ORDERS** that the application of Respondent Matthew F. Dworning for a certificate of registration as a mortgage loan originator is **DENIED**.

Executed on the 28<sup>th</sup> day of June 2011.

  
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Charles A. Vice, Commissioner  
Department of Financial Institutions  
1025 Capital Center Drive, Suite 200  
Frankfort, 40601

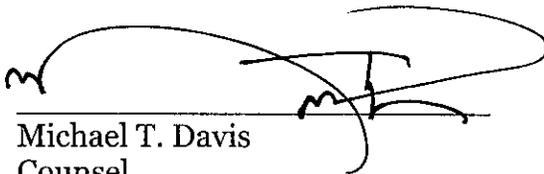
**NOTICE OF RESPONDENT'S RIGHTS**

1. The Commissioner of the Kentucky Department of Financial Institutions has entered an Order denying your application for a certificate of registration.
2. You have the right to request a hearing in this matter and have the right to be represented by legal counsel at all stages of these proceedings.
3. You are hereby notified that you must request a hearing with DFI within twenty (20) days of service of this Order. If so requested, an administrative hearing shall be held pursuant to the provisions of KRS Chapter 13B and 808 KAR 12:030. If a hearing request is not filed within twenty (20) days, the DFI shall seek a final order from the Commissioner denying the application for certificate of registration as a mortgage loan originator.

**Certificate of Service**

I hereby certify that a copy of the foregoing **Order Denying Application for Mortgage Loan Originator Registration** was sent by certified mail, return receipt requested, and by first class mail, on this the 28<sup>th</sup> day of June, 2011 to:

Matthew F. Dworning  
9560 Hoose Road  
Mentor, Ohio 44060



Michael T. Davis  
Counsel

Department of Financial Institutions  
1025 Capital Center Drive, Ste. 200  
Frankfort, KY 40601  
(502) 573-3390, ext. 240  
(502) 573-2183 (fax)