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COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2021-AH-0007

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PPC/DFI/DNDJ

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

WENDELL LEWIS

RESPONDENT

* * * * *

1. The Department of Financial Institutions (“DFI”) is responsible for regulating and licensing persons engaged in mortgage lending, brokering, origination, and processing in accordance with the provisions set forth in KRS Chapter 286.8 (“The ACT”).

2. At the time of the allegations in question, Lewis was a registered mortgage loan originator in Kentucky pursuant to KRS Chapter 286.8, employed by Ark-La-Tex Financial Services, LLC dba Benchmark Mortgage (“Benchmark”). Lewis’s NMLS number is 60434. Lewis’s registration as a mortgage loan originator expired on January 1, 2021, after he lost his sponsorship with Benchmark on December 20, 2020.

3. Lewis applied for registration as a Kentucky mortgage loan originator on March 2, 2021.

4. On March 10, 2021, the DFI sent a Notice of Intent to Enter Order of Denial of Mortgage Loan Originator Registration to Respondent (“Notice of Intent”) via certified mail, alleging that Respondent failed to disclose that he had resigned after an allegation of fraud, theft, or dishonesty. In response to that Notice, the Respondent filed an Affidavit denying all alleged violations and requested a hearing. After Respondent timely

requested a hearing, DFI filed an Interim Order Denying Application for Mortgage Loan Originator Registration (“Interim Order”) on April 21, 2021.

5. On April 21, 2021, DFI filed an Administrative Complaint alleging violations of KRS 286.8 related to the circumstances surrounding the Notice of Intent to Deny. In response to that Complaint, the Respondent filed an Answer denying any violation of the relevant statute. This Agreed Order will resolve all issues raised in the Notice of Intent, the Interim Order, and the Administrative Complaint.

6. DFI possesses a range of administrative authority in addressing alleged violations of KRS Chapter 286.8, including license revocation or denial, suspension, or the imposition of civil penalties. See KRS 286.8-046 and 286.8-090.

7. In the interest of economically and efficiently resolving the allegations raised herein, DFI and Respondent agree as follows:

a. Respondent agrees to a civil penalty assessment in the amount of Five Thousand Dollars (\$5,000.00) for the alleged violations described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Five Thousand Dollars (\$5,000.00). The payment shall be due upon entry of the Agreed Order. The payment shall be in the form of a certified check or money order made payable to **“Kentucky State Treasurer”** and mailed to the Department of Financial Institutions, Attn: Non-Depository Division – ORDER, 500 Mero Street 2SW19, Frankfort, Kentucky 40601, or electronically through the NMLS system;

c. Respondent shall correct his current MU4 and agrees that he will not violate the ACT and related regulations in the future, including but not limited to, providing true and correct answers to all questions and requests for information submitted to DFI in relation to current and future financial services-related business applications. **This includes, but is not limited to, all current and future initial and renewal applications for licensure or registration as a mortgage loan originator, mortgage loan processor, mortgage loan company or mortgage loan broker.**

8. Upon satisfactory completion of the conditions set out in paragraph 7 above, DFI will set aside the Interim Denial. Upon meeting all other requirements for registration as a mortgage loan originator in Kentucky, Respondent will be granted mortgage loan originator registration as of December 1, 2021.

9. Respondent waives his right to demand a hearing at which he would be entitled to legal representation with regard to the allegations raised by DFI prior to the entry of this Order, to confront and cross-examine witnesses with respect thereto, and to present evidence on his own behalf with respect thereto, or to otherwise appeal or set aside this Order.

10. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

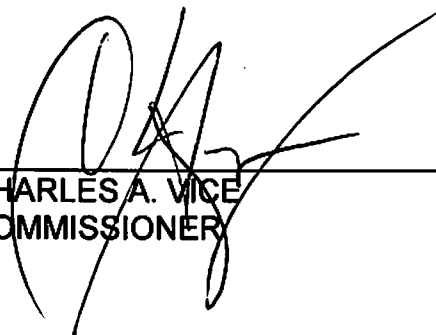
11. In consideration of execution of this Agreed Order, Respondent hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual

capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

12. By signing below, Respondent acknowledges he has read the foregoing Agreed Order and knows and fully understands its contents.

13. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 4th day of November, 2021.



CHARLES A. VICE
COMMISSIONER


Consented to:

This 4th day of November, 2021.

This 26 day of October, 2021.



Jeff Jacob, Director
Division of Non-Depository Institutions
Department of Financial Institutions



Wendell Lewis
NMLS #60434

ACKNOWLEDGEMENT

STATE OF Kentucky)
)
COUNTY OF Laurel)

On this the 26 day of October, 2021, before me R. Aaron Hostettler, Notary Public, the undersigned, Wendell Lewis, did personally appear and that he entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: 9-17-2022

R. Aaron Hostettler
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 8th day of November, 2021, by certified mail, return receipt requested, to:

R. Aaron Hostettler, Esq.
Hamm, Milby & Ridings, PLLC
120 North Main St.
London, Kentucky 40741-1369
aaron@hmrkylaw.com

Via hand-delivery to:

Gary A. Stephens
Assistant General Counsel
Department of Financial Institutions
500 Mero Street 2SW19
Frankfort, Kentucky 40601

Kentucky Department of Financial Institutions

Name: Gary A. Stephens

Title: Asst. General Counsel