

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2015-AH-00089



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

AMERICAN FINANCING CORPORATION (MC94463)

RESPONDENT

* * * * *

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

2. American Financing Corporation ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8. Respondent's license number is MC94463. (ICIE # 323844)

3. DFI conducted an examination of the Respondent on March 16, 2015, and discovered that American Financing Corporation employed one unregistered loan processor, in violation of KRS 286.8-030(1)(c).

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

5. In this case, DFI assessed a civil penalty against Respondent in the amount of One Thousand Dollars (\$1,000.00) for violating KRS 286.8.

6. In the interest of economically and efficiently resolving the violation(s) described herein, and without Respondent admitting or denying the statements of fact and legal conclusions herein, DFI and Respondent agree as follows:

a. Respondent agrees to a civil penalty assessment in the amount of One Thousand Dollars (\$1,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of One Thousand Dollars (\$1,000.00). The payment shall be due when Respondent signs and returns 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, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.8.

7. Respondent waives its right to demand a hearing at which it would be entitled to legal representation, to confront and cross examine witnesses, and to present evidence on its own behalf, or to otherwise appeal or set aside this Order.

8. 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.

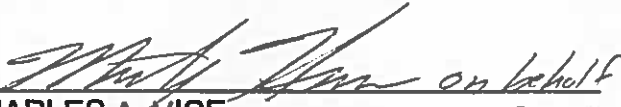
9. Respondent agrees to cease and desist from using an unlicensed loan processor in Kentucky until such time as the requirements of KRS Chapter 286.8 are met.

10. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, 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.

11. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

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

IT IS SO ORDERED on this the 30th day of June, 2015.



CHARLES A. VICE
COMMISSIONER
of Charles Vice

Consented to:

^{30th TRS}
This 16th day of June, 2015.

This 16th day of June, 2015.

Tammy R Scruggs
Tammy Scruggs, Director
Division of Non-Depository Institutions
Department of Financial Institutions

Nancy Dennis
Authorized Representative
American Financing Corporation
License # MC94463

ACKNOWLEDGEMENT

STATE OF Colorado)
COUNTY OF Arapahoe)

On this the 16th day of June, 2015, before me
Renee Eiland, Notary Public, the undersigned,
Nancy Dennis, did personally appear and acknowledge
himself/herself to be the authorized representative for American Financing Corporation.
and that he/she, entered into and executed the foregoing instrument for the purposes
therein contained.

My Commission Expires: 3/3/17



Renee Eiland
Notary Public

CERTIFICATE OF SERVICE

I, Christina Hayden, hereby certify that a copy of the foregoing Agreed Order was sent on this the 1 day of July, 2015, by certified mail, return receipt requested, to:

Ms. Jody Ann Moore, Compliance Manager
American Financing Corporation.
3151 S. Vaughn Way, Suite 100
Aurora, CO 80014

Via hand-delivery to:

Hon. Catherine Falconer
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601


Christina Hayden
Department of Financial Institutions