

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2012-AH-0221



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

ASHLEY MCCLANAHAN

RESPONDENT

AGREED ORDER

* * * * *

1. The Department of Financial Institutions ("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 Loan Company and Mortgage Loan Broker Act (the "Act").
2. Ashley McMclanahan ("Respondent") was not authorized to do business in Kentucky as a mortgage broker pursuant to the Act.
3. On September 22, 2010, DFI conducted a mortgage compliance exam on Mortgage Group, LLC "Lion's Gate". During the course of the exam, DFI discovered that Respondent was an unregistered loan originator, in violation of KRS 286.8-030 and KRS 286.8-255.
4. On September 4 2012, DFI filed an Administrative Complaint seeking imposition of one thousand dollars (\$1,000) fine against Respondent and a cease and desist order. Respondent failed to respond to the Complaint or request a hearing within twenty (20) days of service. Thus, the Respondent's right to a hearing was waived in this matter.

5. On March 5, 2013 a Final Order was issued assessing a fine of one thousand dollars (\$1,000) and a cease and desist order against Respondent.

6. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, the imposition of fines in an amount up to \$25,000 per violation. *See* KRS 286.8-046; 286.8-090.

7. Respondent has indicated a desire to settle this matter by paying a reduced fine to settle this matter.

8. In the interest of economically and efficiently resolving the violation(s) described herein, DFI and Respondent agree as follows:

a. Respondent agrees to pay a fine in the amount of \$750 (seven-hundred-fifty) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total amount assessed herein of seven hundred fifty (\$750.00) prior to the entry of this Order, which 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: Walker C. Cunningham, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

c. In consideration of Respondent's entry into this Agreed Order and payment of the seven hundred fifty dollars (\$750), DFI agrees that this will amount to a satisfaction of the Final Order issued March 5th 2013 and DFI will not make a claim on for any additional amount due on the Final Order.

d. Ms. McClanahan shall not apply for a license to operate as a Mortgage Broker in the state of Kentucky for a period of one year.

e. This resolution shall not be considered a suspension or revocation for purposes of the SAFE Act.

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. 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.

10. 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.

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

IT IS SO ORDERED on this the 16th day of April, 2013.

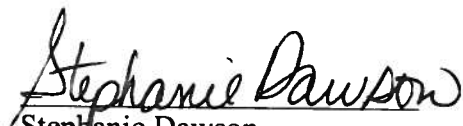


CHARLES A. VICE
COMMISSIONER

Certificate of Service

I, Stephanie Dawson, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 17th day of April, 2013, by certified mail, return receipt requested, to the following:

Larry A. Racconi Jr.
308 South Second Street
Clarksville, TN 37040


Stephanie Dawson
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 ext. 231 (phone)