

ENTERED  
DEC 04 2017  
ACE 4:30pm  
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2017-AH-00078

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

BRIAN LEE CURL (MC18785)

RESPONDENT

\* \* \* \* \*

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing mortgage loan companies and brokers, and regulating and registering mortgage loan originators in accordance with the provisions set forth in KRS Chapter 286.8 and applicable regulations.

2. Brian Curl ("Respondent") is authorized to do business in Kentucky as a mortgage loan originator pursuant to KRS Chapter 286.8. Respondent's license number is MC18785. (ICIE#379388)

3. In November 2016, Respondent was employed as a mortgage loan originator with Swan Financial Corporation.

4. While employed by Swan Financial Corporation, Respondent operated a website called [www.briancurlhomeloans.com](http://www.briancurlhomeloans.com), which appeared to advertise an unlicensed mortgage loan company.

5. Pursuant to KRS 286.8-030(1)(a), it is unlawful for any person to transact business in Kentucky, either directly or indirectly, as a mortgage loan company or

mortgage loan broker if the mortgage loan company or mortgage loan broker is not licensed under KRS 286.8 or exempt from licensure pursuant to KRS 286.8-020.

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

7. 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.

8. In the interest of economically and efficiently resolving the violations 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 of One Thousand Dollars (\$1,000.00) for the violations described herein;
- b. Respondent agrees to and shall pay the total civil penalty assessed herein of One Thousand Dollars (\$1,000.00), which shall be in the form of certified checks or money orders 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. The one thousand dollars (\$1,000.00) shall be due as follows:
  1. \$100 due upon entry of the Agreed Order,
  2. \$100 due on or before January 1, 2018,
  3. \$100 due on or before February 1, 2018,
  4. \$100 due on or before March 1, 2018,

5. \$100 due on or before April 1, 2018,
6. \$100 due on or before May 1, 2018,
7. \$100 due on or before June 1, 2018,
8. \$100 due on or before July 1, 2018,
9. \$100 due on or before August 1, 2018, and
10. \$100 due on or before September 1, 2018.

d. 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.

9. Respondent waives his right to demand a hearing at which he would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on his own behalf, 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 4<sup>th</sup> day of December, 2017.

  
CHARLES A. VICE  
COMMISSIONER





**CERTIFICATE OF SERVICE**

4<sup>th</sup> hereby certify that a copy of the foregoing **Agreed Order** was sent on this the December, 2017, by certified mail, return receipt requested, to:

Mr. Brian Curl  
8103 Keira Ridge Court  
Louisville, Kentucky 40291

Via hand-delivery to:

Gary A. Stephens  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

Kentucky Department of Financial Institutions

Name: Allison Zervas

Title: Executive Staff Advisor