

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2009-AH-002**

IN THE MATTER OF:
EXPRESS LEADS AND MARKETING, LLC
D/B/A TATE FINANCIAL SERVICES, LLC

AGREED ORDER

STATEMENT OF FACTS

1. The Kentucky Department of Financial Institutions (“DFI”) is responsible for regulating and registering mortgage loan companies and mortgage loan brokers in accordance with the provisions of KRS Chapter 286.8.

2. Express Leads and Marketing, LLC d/b/a Tate Financial Services, LLC (“Tate Financial”) is an entity with a mailing address of 8809 Summit Ridge Drive, Louisville, Kentucky 40241. Tate Financial is not authorized to do business in Kentucky as a mortgage loan company. Tate Financial does not hold any license or exemption with the Department to conduct business in Kentucky as a mortgage loan company.

3. In June 2008, the Department initiated an investigation of Tate Financial after receiving information from a confidential informant regarding unlicensed activity as a mortgage loan company in Kentucky, possible overcharging of individuals for bi-weekly mortgage programs, and failing to make timely mortgage payments on behalf of the borrowers.

4. DFI’s initial investigation indicated the following violations of KRS Chapter 286.8 by Tate Financial: (1) unlicensed activity as a mortgage loan company in Kentucky in violation of KRS 286.8-030; (2) deceptive advertising in violation of KRS 286.8-220;

and (3) overcharging of individuals for bi-monthly mortgage programs in violation of 808 KAR 12:050.

5. Tate Financial denies all of the allegations of potential violations of KRS Chapter 286.8 set forth by DFI.

6. On December 19, 2008, DFI filed a Petition for Enforcement of Administrative Subpoena in Franklin Circuit Court against Tate Financial in order to further investigate the allegations set forth above. Tate Financial filed a response to the Petition, alleging, in part, that DFI had no regulatory authority over its business activities.

AGREEMENT AND ORDER

The Department of Financial Institutions and Tate Financial, in the interest of economically and efficiently resolving the alleged violations raised in the foregoing Statement of Facts, agree as follows:

1. Tate Financial shall pay a civil penalty in the amount of ten thousand dollars (\$10,000), 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: Jessica Sharpe, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601 prior to the entry of this Order.

2. Tate Financial shall not engage in the activities of a mortgage loan broker or mortgage loan company unless and until it becomes properly licensed or exempt from licensure pursuant to KRS Chapter 286.8, nor shall it engage in any activities that are in violation of KRS Chapter 286.8 or any other statutes administered and enforced by DFI.

3. Tate Financial shall not engage in the offering of a bi-weekly mortgage program whereby payments or funds are collected by Tate Financial via ACH Transfer

from borrowers unless and until it resolves its dispute with DFI as to whether this activity falls within the regulatory authority of the DFI and/or requires licensure pursuant to KRS Chapter 286.8.

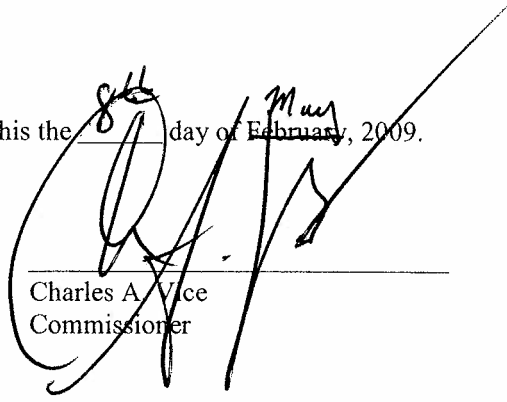
4. Tate Financial shall refund to all customers, current as of December 1, 2008, any fees collected by Tate Financial on a HUD-1 or at the initiation of the bi-weekly mortgage program in excess of \$600. Tate Financial shall provide an accounting of all such refunds made that includes the amount of the refund, the name of each customer refunded, and proof that the refund was made, to DFI prior to the entry of this Order.

5. Upon satisfaction of and agreement to the conditions set forth herein, the parties hereby agree that DFI shall withdraw its Petition to Enforce Administrative Subpoena filed in Franklin Circuit Court on December 19, 2008.

6. In regard to this present matter, Tate Financial waives its right to demand a hearing, to confront and cross examine witnesses for the Department of Financial Institutions, and to present evidence on its own behalf, or to otherwise appeal or set aside this Agreed Order. Further, Tate Financial agrees that this Agreement is a matter of public record and may be disseminated as such.

7. DFI specifically reserves the right to reinitiate an investigation and utilize any enforcement mechanisms available to it if it appears on grounds satisfactory to DFI that: (1) Tate Financial has violated any provisions of this Agreement; or (2) DFI has received a formal complaint from any of Tate Financial's customers regarding the mishandling of the customer's file.

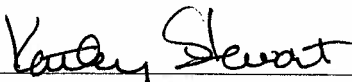
IT IS SO ORDERED on this the 8th day of ~~February~~ ^{March}, 2009.



Charles A. Rice
Commissioner

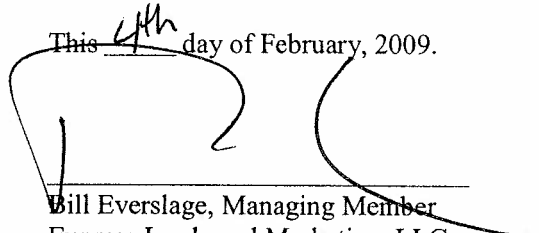
Agreed to:

This 6th day of February, 2009.




Kathy Stewart, Director
Division of Financial Institutions
Department of Financial Institutions

This 4th day of February, 2009.



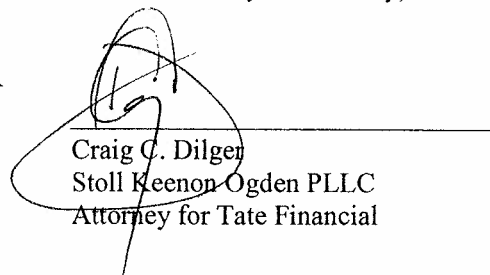
Bill Everslage, Managing Member
Express Leads and Marketing, LLC
a/k/a Tate Financial Services, LLC

This 6th day of February, 2009.



David Reichert
General Counsel
Department of Financial Institutions

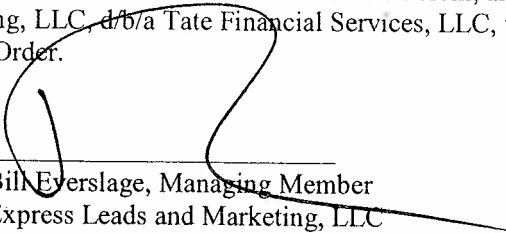
This 4th day of February, 2009.



Craig C. Dilgen
Stoll Keenon Ogden PLLC
Attorney for Tate Financial

STATEMENT OF AUTHORIZATION

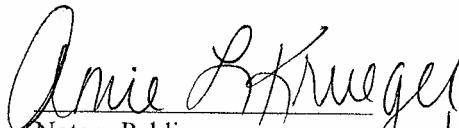
I, **Bill Everslage**, state on behalf of Express Leads and Marketing, LLC, d/b/a Tate Financial Services, LLC that I have read the foregoing Agreed Order; that I know and fully understand its contents; that I am a managing member authorized to enter into and execute this Agreed Order on behalf of Express Leads and Marketing, LLC, d/b/a Tate Financial Services, LLC, that Express Leads and Marketing, LLC, a/k/a Tate Financial Services, LLC, agrees freely and without threat of coercion of any kind to comply with the terms and conditions stated herein; and that Express Leads and Marketing, LLC, d/b/a Tate Financial Services, LLC, voluntarily agrees to enter into this Agreed Order.

By: 
Bill Everslage, Managing Member
Express Leads and Marketing, LLC
d/b/a Tate Financial Services, LLC

STATE OF Kentucky)
COUNTY OF Jefferson)

On this the 4th day of February, 2009, before me Annie L. Krueger, the undersigned officer, **Bill Everslage**, did personally appear and acknowledge himself to be a managing member of Express Leads and Marketing, LLC, d/b/a Tate Financial Services, LLC, and that he, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

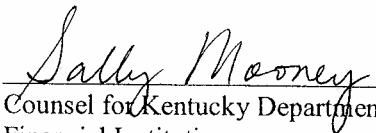
In witness whereof I hereunto set my hand.


Notary Public
Date Commission Expires: 9/7/2010

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this **Agreed Order** has been served on the following on this 12th day of ~~February~~ May, 2009:

Craig Dilger
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED


Counsel for Kentucky Department of
Financial Institutions