

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2013-AH-0137**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

FAIRWAY INDEPENDENT MORTGAGE CORPORATION

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.

2. Fairway Independent Mortgage Corporation (“Fairway”) is authorized to do business in Kentucky as a licensed mortgage loan company pursuant to Kentucky Revised Statutes Chapter 286.8, with its principal office located at 6410 Enterprise Lane, Suite 130, Madison, Wisconsin 53719.

3. On March 25 & 26, 2013, DFI conducted a compliance exam at Fairway. DFI discovered that Fairway had utilized an unregistered loan processor to process mortgage loans in violation of KRS §286.8-030 which prohibits a mortgage loan company from employing or using a loan processor who is not registered in accordance with KRS §286.8-255.

4. The Department possesses a range of administrative authority in addressing violations of Chapter 286.6, including license revocation or denial, the imposition of fines in an amount up to \$25,000 per violation, and settlement. *See* KRS §286.8-046; §286.8-090.

5. In this case, the Department assessed a fine against Fairway in the amount of one thousand dollars (\$1,000.00) for utilizing an unregistered loan processor to process Kentucky loans in violation of KRS §286.8-030.

6. In the interest of economically and efficiently resolving the violation described herein, DFI and Fairway agree as follows:

a. Fairway agrees to a fine assessment in the amount of one thousand dollars (\$1,000.00) for the violations described herein;

b. Fairway agrees to and shall pay one thousand dollars (\$1,000) of the total fine assessed herein 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: Katherine W. Ross, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

c. Fairway agrees to register with DFI all individuals who process mortgage loans on Kentucky properties on its behalf.

d. Fairway shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.8 and the regulations set forth in 808 KAR Chapter 12.

7. Fairway 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. Fairway consents to and acknowledges the jurisdiction of the Department of Financial Institutions 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, Fairway for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, Department of Financial Institutions, 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 Fairway 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 that they are authorized to execute this 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 9th day of July, 2013.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 8th day of July, 2013.

This 3rd day of July, 2013.

S. Butler
Sarah Butler, Director
Division of Non-Depository Institutions
Department of Financial Institutions

Len Krupinski
Authorized Representative
Fairway Independent Mortgage Corporation

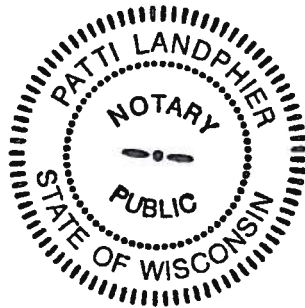
ACKNOWLEDGEMENT

STATE OF Wisconsin)
)
COUNTY OF Dane)

On this the 3rd day of July, 2013, before me Patti Landphier, the undersigned, Len Krupinski, did personally appear and acknowledge himself/herself to be the authorized representative of Fairway Independent Mortgage Corporation and that he/she, 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.

My Commission Expires: November 20, 2016



Patti Landphier
Notary Public

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 9th day of July, 2013, by certified mail, return receipt requested, to the following:

Elizabeth T. Steinhaus
Fairway Independent Mortgage Corporation
6410 Enterprise Lane, Suite 130
Madison, Wisconsin 53719


Stephanie Dawson
Department of Financial Institutions