

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2010-AH-069**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

GVC MORTGAGE INC. d/b/a PREFERRED CAPITAL

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. GVC Mortgage, Inc. d/b/a Preferred Capital (“GVC”) has an office authorized to do business in Kentucky as a mortgage company pursuant to the Act, with the office located at One Plaza Drive, Suite 3, Pendleton, IN 46064. The branch license number is MC16958.

3. DFI conducted an examination of GVC on February 17, 2010. During the examination, DFI discovered that GVC had utilized an unregistered loan originator to originate mortgage loans in Kentucky in violation of KRS 286.8-030, which prohibits a mortgage loan company from employing or using a loan originator who is not registered in accordance with KRS 286.8-255.

4. 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.

5. In this case, DFI assessed a fine against GVC in the amount of three thousand five hundred dollars (\$3,500.00) for utilizing an unregistered loan originator to originate Kentucky loans, in violation of KRS 286.8-030.

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

a. GVC agrees to a fine assessment in the amount of three thousand five hundred dollars (\$3,500.00) for the violation(s) described herein;

b. GVC has already submitted payment of the fine assessment. On May 24, 2010, DFI received a check in the amount of three thousand five hundred dollars (\$3,500.00) for the above-described violations;

c. GVC agrees to register with DFI all individuals who originate mortgage loans on Kentucky properties on its behalf; and

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

7. GVC 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. GVC 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, GVC 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 GVC 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 15<sup>th</sup> day of June, 2010.

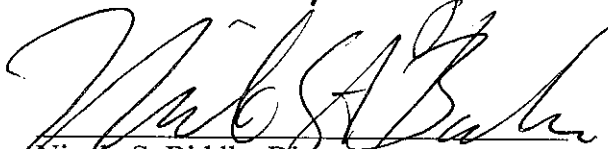


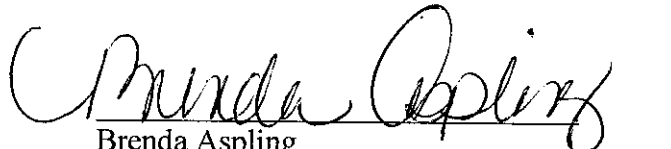
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 28<sup>th</sup> day of May, 2010.

This 9<sup>th</sup> day of June, 2010.

  
Nicole S. Biddle, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

  
Brenda Aspling  
Vice President of Compliance  
GVC Mortgage, Inc. d/b/a Preferred Capital

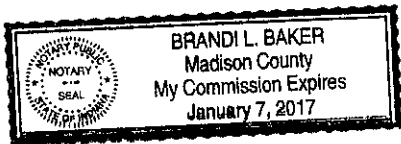
**ACKNOWLEDGEMENT**

STATE OF Indiana )  
COUNTY OF Madison )

On this the 9<sup>th</sup> day of June, 2010, before me Brandi Baker, the undersigned, **Brenda Aspling**, did personally appear and acknowledge herself to be the Vice Pres. of Compl. of GVC Mortgage, Inc. d/b/a Preferred Capital and that 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: 1-7-2017



  
Notary Public

**Certificate of Service**

I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 17<sup>th</sup> day of June, 2010, by certified mail, return receipt requested, to the following:

Brenda Aspling  
Vice President of Compliance  
GVC Mortgage, Inc. d/b/a Preferred Mortgage  
One Plaza Drive, Suite 3  
Pendleton, IN 46064



Shaun T. Orme  
Department of Financial Institutions  
1025 Capital Center Drive  
Suite 200  
Frankfort, Kentucky 40601  
502-573-3390 ext. 282 (phone)  
502-573-2183 (facsimile)

Counsel for Complainant