

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2009-AH-82

MAR 3 2011

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

GATEWAY MORTGAGE GROUP, LLC

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. Gateway Mortgage Group, LLC ("Gateway") was authorized to do business in Kentucky as a HUD exempt company pursuant to the Act, with its principal office located at 7030 South Yale, Suite 700, Tulsa, OK 74136. The exemption was revoked on July 25, 2007.

3. During an examination, DFI discovered that Gateway transacted mortgage loan business in Kentucky as unlicensed entity, in violation of KRS 286.8-030 and that Gateway utilized an unregistered loan officer to originate mortgage loans during the 2008 calendar year in violation of KRS 286.8-030.

4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, and/or 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 Gateway in the amount of eight thousand five hundred dollars (\$8,500.00) for conducting mortgage loan business without a license in

Kentucky and using an unregistered loan officer to originate Kentucky loans, in violation of KRS 286.8-030.

6. Gateway does not admit the violations of KRS 286.8-030, but is entering into this Agreed Order in lieu of proceeding with a formal hearing on the issues that comprise this matter.

7. An Administrative Complaint was filed in this matter on December 8, 2010. By virtue of the execution of this Agreed Order, the Administrative Complaint is withdrawn.

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

a. Gateway agrees to a fine assessment in the amount of eight thousand five hundred dollars (\$8,500.00) for the violation(s) described herein;

b. Gateway agrees to and shall pay the total fine assessed herein of eight thousand five hundred dollars (\$8,500) 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: Shaun T. Orme, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

c. Gateway agrees to not conduct mortgage loan business in Kentucky until such time as Gateway becomes properly licensed pursuant to KRS Chapter 286.8. Gateway is currently not conducting mortgage business in Kentucky.

7. Gateway 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. Without admitting or denying the findings of fact made, Gateway 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, Gateway 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 Gateway 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 7<sup>th</sup> day of March, 2011.

  
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CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 3rd day of March, 2011.

This 1st day of March, 2011.

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

Authorized Representative - Manager  
Gateway Mortgage Group, LLC

**ACKNOWLEDGEMENT**

STATE OF Oklahoma )

COUNTY OF Tulsa )

On this the 1st day of March, 2011, before me Krystal Sutterfield, the undersigned, Kevin Stitt, did personally appear and acknowledge themselves to be the Manager of Gateway Mortgage Group, LLC, and that ~~they~~, 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: 10/14/12



Notary Public

Certificate of Service

I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 7<sup>th</sup> day of March, 2011, by first class mail, to the following:

Dawn May  
Gateway Mortgage Group, LLC  
14850 Quorum Drive, Ste. 450  
Dallas, TX 75254



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