

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2019-AH-00050

ENTERED
AUG 09 2019
1:40pm AER
COMMISSIONERS OFFICE

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

HOMESERVICES LENDING, LLC (MC76831)

RESPONDENT

* * * * *

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing entities engaged in mortgage lending, brokering, origination, and processing in accordance with the provisions set forth in KRS Chapter 286.8.

2. HomeServices Lending, LLC ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8, with its principal office located at 2700 Westown Parkway, Suite 345, West Des Moines, Iowa 50266. Respondent's license number is MC76831. (ICIE# 391635)

3. DFI conducted an examination of Respondent on December 3, 2018. The examination revealed that Respondent may have conducted activity in the mortgage lending process from an unlicensed branch located at 264 Redwing Drive, Winchester, Kentucky 40391, in violation of KRS 286.8-100.

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

5. In this case, DFI assessed a civil penalty against Respondent in the amount of Five Thousand Dollars (\$5,000.00) for violating KRS 286.8.

6. In the interest of economically and efficiently resolving the violation(s) 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 in the amount of Five Thousand Dollars (\$5,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Five Thousand Dollars (\$5,000.00). The payment shall be due upon entry of the Agreed Order. The payment 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: Non-Depository Division – ORDER, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. 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.

7. Respondent 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. 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.

9. In consideration of execution of this Agreed Order, Respondent 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 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.

10. By signing below, Respondent acknowledges it has read the foregoing Agreed Order, knows and fully understands its contents, and that the individual signing on behalf of Respondent is authorized to enter into and execute this Agreed Order and legally bind Respondent.

11. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 9th day of August, 2019.

Maari R. Gibson for
CHARLES A. VICE
COMMISSIONER
Charles A.
Vice

Consented to:

This 9th day of August, 2019.

This 2nd day of August, 2019.

Mami R. Gibson

Mami Gibson
Deputy Commissioner
Department of Financial Institutions

David Schildberg

Authorized Representative
HomeServices Lending, LLC
License # MC76831

ACKNOWLEDGEMENT

STATE OF Iowa)
COUNTY OF Polk)

On this the 2nd day of August, 2019, before me David Schildberg, the undersigned, Authorized Representative, did personally appear and acknowledge himself/herself to be the authorized representative for HomeServices Lending, LLC and that he/she, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: 9-8-21

Melissa Williams
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 9th day of August, 2019, by certified mail, return receipt requested, to:

David Schildberg
Compliance and Operational Risk Manager
HomeServices Lending, LLC
2700 Westown Parkway, Suite 345
West Des Moines, Iowa 50266

Via hand-delivery to:

Gary A. Stephens
Staff Attorney
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601

Kentucky Department of Financial Institutions

Name: Austin Reed

Title: Executive Staff Advisor