

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2015-AH-00158



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

**AGREED ORDER**

HOMeward RESIDENTIAL, INC. (MC22039)

RESPONDENT

\* \* \* \* \*

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

2. Homeward Residential, Inc. ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8, with an office located at 1525 S. Beltline Road, Coppell, Texas 75019. Respondent's license number is MC22039. (ICIE# 328714)

3. DFI conducted an examination of the Respondent on May 4, 2015, and discovered that the licensee in some instances employed unregistered loan processors, in violation of KRS 286.8-030(1)(c) and KRS 286.8-030(1)(d). The examination also revealed one incorrect NMLS number error regarding a loan originated by a third party mortgage loan broker used by the licensee.

4. DFI possesses a range of administrative authority in addressing violations of the Act, 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 Ten Thousand Dollars (\$10,000.00) for violating KRS 286.8.

6. Respondent does not admit the violations of KRS 286.8-030, and asserts that its actions were neither willful nor intentional; however, Respondent is entering into this Agreed Order in lieu of proceeding with a formal hearing on the issues that comprise this matter.

7. 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 Ten Thousand Dollars (\$10,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Ten Thousand Dollars (\$10,000.00). 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.

8. 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.

9. 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.

10. Respondent agrees to cease and desist from using unlicensed loan processors in Kentucky until such time as the requirements of KRS Chapter 286.8 are met.

11. 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.

12. 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.

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

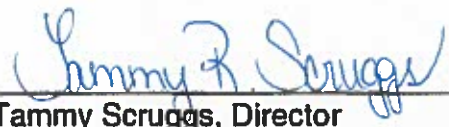
IT IS SO ORDERED on this the 1<sup>st</sup> day of December, 2015.


  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

Consented to:

This 30<sup>th</sup> day of November, 2015.

This 17 day of NOVEMBER, 2015.

  
\_\_\_\_\_  
Tammy Scruggs, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

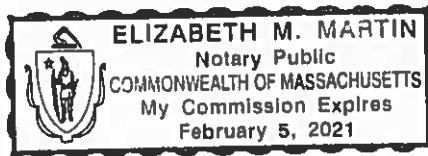
  
\_\_\_\_\_  
Authorized Representative  
Homeward Residential, Inc.  
License # MC22039


ACKNOWLEDGEMENT

STATE OF Massachusetts       )  
   )  
COUNTY OF Worcester       )

On this the 17 day of November, 2015, before me  
Elizabeth Martin, the undersigned,  
Gregory O'Connor, did personally appear and acknowledge  
himself/herself to be the authorized representative for Homeward Residential, Inc. and  
that he/she, entered into and executed the foregoing instrument for the purposes therein  
contained.

My Commission Expires: 2-5-2021



  
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Notary Public

**CERTIFICATE OF SERVICE**

I, Kelly Childers, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 2<sup>nd</sup> day of December, 2015, by certified mail, return receipt requested, to:

Ms. Dana Bennett  
Homeward Residential, Inc.  
1525 S. Beltline Road  
Coppell, Texas 75019

Via hand-delivery to:

Gary A. Stephens  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601



Kelly Childers  
Department of Financial Institutions