

**COPY**

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COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2015-AH-00128

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

INTERCAP LENDING, INC. (License # MC94282)

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. Intercap Lending, Inc. ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8, with its office located at 26880 Aliso Viejo Parkway, Suite 100, Aliso Viejo, CA 92656. Respondent's license number is MC94282 and NMLS number is 190465. (ICIE# 326803)

3. DFI conducted an examination of the Respondent on February 25, 2015, and discovered that the Respondent operated prior to licensure. The Respondent purchased and serviced two loans before licensure, in violation of KRS 286.8-030(1)(a).

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 Two Thousand Five Hundred Dollars (\$2,500.00) 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 Two Thousand Five Hundred Dollars (\$2,500.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Two Thousand Five Hundred Dollars (\$2,500.00). 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.

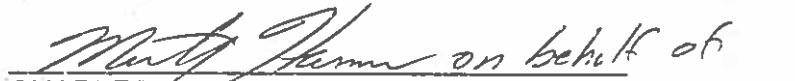
9. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any 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. Respondent shall devote the resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.8.

11. 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.

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

IT IS SO ORDERED on this the 4<sup>th</sup> day of November, 2015.

  
CHARLES A. VICE  
COMMISSIONER *Charles Vice*

**Consented to:**

This <sup>TRS</sup> 26<sup>th</sup> day of <sup>TRS</sup> October, 2015.

This 20 day of October, 2015.

Tammy R. Scruggs  
Tammy Scruggs, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

[Signature]  
Authorized Representative  
InterCap Lending, Inc.  
License # MC94282

**ACKNOWLEDGEMENT**

STATE OF CA )  
COUNTY OF Orange )

On this the 20 day of October, 2015, before me Fay Panah the notary public undersigned, Rui Harsini did personally appear and acknowledge himself/herself to be the authorized representative for InterCap Lending, Inc. and that he/she entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: Jan 27, 2019

[Signature]  
Notary Public



**CERTIFICATE OF SERVICE**

I, Kelly Childers, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 5<sup>th</sup> day of November, 2015, by certified mail, return receipt requested, to:

Mr. Rafael Uribarre, QC and Compliance Manager  
Intercap Lending, Inc.  
26880 Aliso Viejo Parkway, Suite 100  
Aliso Viejo, CA 92656

Via hand-delivery to:

Hon. Deborah Crocker  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601



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Kelly Childers  
Department of Financial Institutions