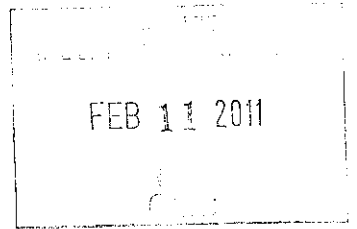


**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-008**



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

JAMES ANDREW BELL

RESPONDENT

* * * * *

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. James Andrew Bell (“Respondent”) has been employed in the mortgage loan business, and possessed an Interim registration to act as a mortgage loan originator in Kentucky from July 17, 2007 to January 15, 2008. However, the Respondent was and is not registered or otherwise authorized to act as a mortgage loan originator or mortgage loan processor at any other time relevant herein.

3. During an investigation, DFI discovered that the Respondent transacted business as a mortgage loan originator prior to July 17, 2007 while employed by Atlantic Mortgage, Inc., in violation of KRS 286.8-225(1), which prohibits any natural person from transacting business, either directly or indirectly, as a mortgage loan originator or

mortgage loan processor unless such person is registered with and has been issued a current certificate by DFI authorizing such business.

4. During this investigation, DFI further discovered that the Respondent transacted business as a mortgage loan originator after January 15, 2008 while employed by Audubon Mortgage, LLC, in further violation of KRS 286.8-225(1).

5. During this investigation, DFI also discovered that the Respondent transacted business as a mortgage loan processor after January 15, 2008 while employed by Audubon Mortgage, LLC, in further violation of KRS 286.8-225(1).

6. Finally, during this investigation, DFI discovered that the Respondent made a false or misleading statement to DFI in his June 13, 2008 application for registration as a mortgage loan originator, in violation of KRS 286.8-220(1), which makes it unlawful for any person to make or cause to be made, in any document filed with DFI, any statement that is, at the time and in light of the circumstances under which it is made, false or misleading in any material respect.

7. 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.

8. In this case, DFI has assessed a fine against the Respondent in the amount of one thousand dollars (\$1,000.00), and seeks to prevent the Respondent from engaging in any further conduct regulated by DFI, for transacting business as an unregistered mortgage loan originator and/or unregistered mortgage loan processor in Kentucky in violation of KRS 286.8-225(1) and for making or causing to be made to DFI a false or misleading statement in violation of KRS 286.8-225(1).

9. In the interest of economically and efficiently resolving the allegation(s) described herein, DFI and the Respondent agree as follows:

a. Respondent agrees to a fine in the amount of one thousand dollars (\$1,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total fine assessed herein in four (4) equal monthly installments of two hundred and fifty dollars (\$250.00) each, with the first installment due on February 15, 2011 and each subsequent installment due on the 15th of each calendar month thereafter until paid in full. Said payments shall each 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: Michael T. Davis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601

c. Respondent shall permanently cease and desist from transacting any and all business as or on behalf of a mortgage loan originator, mortgage loan processor, mortgage loan company or mortgage loan broker, as those terms are defined by the Act and regulations thereunder. This prohibition set forth in this subparagraph shall not apply to such business that may be conducted by Respondent in the normal course and scope of employment with a state or federal bank otherwise exempt by KRS 286.8-020(1)(a), to the extent that such conduct would fall outside the scope of DFI's regulation and authority under the Act or its successor;

d. Respondent shall hereafter be permanently ineligible to apply for or hold any license, registration, or claim of exemption under the Act, other than an exemption under KRS 286.8-020(1)(a) as referenced above herein; and

e. Respondent 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.

10. Respondent waives his right to demand a hearing at which he would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on his own behalf, or to otherwise appeal or set aside this Order.

11. 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.

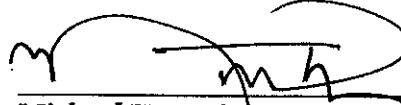
12. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from 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.

Certificate of Service

I, Michael T. Davis, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 14th day of February, 2011, by certified mail, to the following:

James Andrew Bell
534 East Kentucky Street
Louisville, KY 40218
Respondent

James Andrew Bell
3812 Meadow Haven Road
Louisville, KY 40218
Respondent



Michael T. Davis
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 ext. 240 (phone)
502-573-2183 (facsimile)
*Counsel for Complainant,
Department of Financial Institutions*