

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2010-AH-1071

REC-1071
NOV 3 2010

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

JAMES B. NUTTER & COMPANY

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. James B. Nutter & Company (“Respondent”) has an office authorized to do business in Kentucky as a mortgage company pursuant to the Act, with the office located at 4153 Broadway, Kansas City, MO 64111. The license number is MC21633.
3. DFI conducted an examination of Respondent on October 26, 2009. During the examination, DFI discovered that Respondent had potentially utilized unregistered loan originators to originate mortgage loans in Kentucky in violation of KRS 286.8-030, which prohibits a mortgage loan company from employing or using a loan originator who is not registered in accordance with KRS 286.8-255.
4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, 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 proposed an assessment against Respondent in the amount of twenty-four thousand dollars (\$24,000.00) for utilizing unregistered loan originators to originate Kentucky loans, in violation of KRS 286.8-030.

6. Respondent does not admit to the violations of KRS 286.8-030 and its actions where neither willful nor intentional, but 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 alleged violation(s) described herein, DFI and Respondent agree as follows:

a. Respondent agrees to make a payment to DFI in the amount of twenty-four thousand dollars (\$24,000.00) for the alleged violation(s) described herein;

b. Respondent agrees to and shall pay the total amount assessed herein of twenty-four thousand dollars (\$24,000.00) 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;

c. 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.

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.

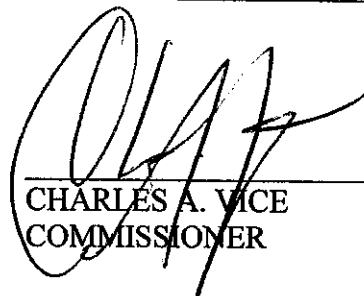
8. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

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, 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 3rd day of November, 2010.

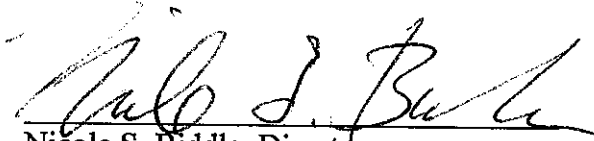


CHARLES A. VICE
COMMISSIONER

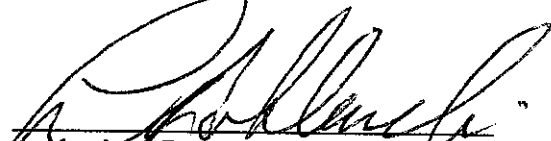
Consented to:

This 28th day of October, 2010.

This 2nd day of November, 2010.



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



Authorized Representative
James B. Nutter & Company

ACKNOWLEDGEMENT


STATE OF Missouri)
)
COUNTY OF Jackson)

On this the 2nd day of November, 2010, before me Susan M. Schweer, the undersigned, Leonard Kuklenski, did personally appear and acknowledge themselves to be the Treasurer of James B. Nutter & Company 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: 09/26/2014

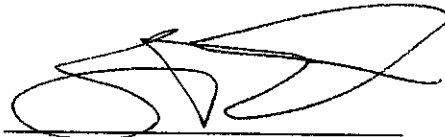
SUSAN M. SCHWEER
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires 09-26-2014
Commission # 10010000


Notary Public

Certificate of Service

I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 4th day of November, 2010, by certified mail, return receipt requested, to the following:

John W. "Jay" Simpson, Esq.
Shook, Hardy & Bacon, L.L.P.
2555 Grand BLVD
Kansas City, MO 64108



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