

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE AGENCY ACTION NO. 2009-AH-105**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

FINAL ORDER

JOHN COOPER

RESPONDENT

STATEMENT OF FACTS

1. The Kentucky Department of Financial Institutions (the "DFI") is responsible for regulating and licensing mortgage loan companies and mortgage loan brokers doing business in Kentucky in accordance with the provisions of KRS Chapter 286.8, the Mortgage Loan Company and Mortgage Loan Broker Act (the "Act").

2. On November 16, 2006, the Respondent, John Cooper ("Cooper"), filed an application for temporary registration as a mortgage loan originator in accordance with KRS 286.8.255(3). On November 21, 2006 DFI issued a temporary mortgage loan registration (MC 18777) to Cooper. The temporary registration expired on May 20, 2007 and thereafter, Cooper failed to register for a permanent mortgage loan originator registration.

3. Pursuant to the Act, the DFI conducted an examination of RT Mortgage Corporation on March 19, 2009, to determine whether the activities of RT Mortgage Corporation were in compliance with applicable laws and regulations; whether the practices and policies of RT Mortgage Corporation had a potentially adverse impact on

prospective borrowers; and whether the business was being operated efficiently, fairly, and in the public interest.

4. During the examination, the DFI discovered that Cooper acted as a mortgage loan originator while employed by RT Mortgage Corporation by taking a loan application on a Kentucky property in February 2008 even though Cooper was not licensed to act as a mortgage loan originator in Kentucky.

5. On April 30, 2010, the DFI filed an Administrative Complaint against Cooper seeking the imposition of a \$1,000 fine for Cooper's violation of the Act.

6. A copy of the Administrative Complaint was sent to Cooper's last known address by certified mail return receipt requested. The Administrative Complaint was returned to the DFI by the United States Post Office on May 21, 2010. Cooper has failed to respond to the Administrative Complaint.

STATUTORY AUTHORITY

7. Pursuant to KRS 286.8-030(1)(c), "it is unlawful for any natural person to transact business in Kentucky, either directly or indirectly, as a mortgage loan originator or mortgage loan processor, unless otherwise exempted, if the mortgage loan originator or mortgage loan processor is not registered in accordance with KRS 286.8-255."

8. Pursuant to KRS 298.8-255(1), "no natural person shall transact business in Kentucky, either directly or indirectly, as a mortgage loan originator or mortgage loan processor unless such mortgage loan originator or mortgage loan processor is registered with the office and has been issued a current certificate of registration by the office,

complies with all applicable requirements of this subtitle, and maintains a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.”

9. Pursuant to KRS 286.8-046(1), the Executive Director may assess a fine of not less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000) per violation, “plus the state’s costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney’s fees and court costs” against any mortgage loan company or mortgage loan broker that violates any provision of the Act or accompanying regulations.

LEGAL CONCLUSIONS

10. Cooper violated KRS 286.8-030(1)(c) by acting as an unregistered mortgage loan originator.

ORDER

THEREFORE, based upon the foregoing statement of facts, statutory authority, and legal conclusions, the Commissioner **HEREBY ORDERS**:

1. The Respondent, John Cooper, shall pay a fine in the amount of one thousand dollars (\$1,000) for violation of the Act.

2. This is a **FINAL ORDER**.

This **ORDER** shall become effective upon completion of service as set forth in KRS 13B-050(2).

NOTICE OF APPEAL RIGHTS

Pursuant to KRS 13B.140, you are hereby notified that you have the right to appeal this Final Order of the Commissioner. If you choose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within thirty (30) days after entry of this Order.

IT IS SO ORDERED on this the 17th day of June 2010.

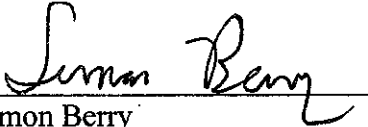


CHARLES A. VICE
COMMISSIONER

Certificate of Service

I hereby certify that a copy of the foregoing **Final Order** was sent by certified mail, return receipt requested, on this the 17 day of June, 2010, to the following:

John Cooper
4596 Blackberry Lane
Blackberry, OH 45103



Simon Berry
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(502) 573-3390 Ext. 232
(502) 573-2183 (facsimile)