

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2011-AH-0012  
ADMINISTRATIVE ACTION NO. 11-PPC-0090**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AGREED ORDER OF SETTLEMENT**

KEVIN M. FOX

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.

2. Kevin M. Fox (“Respondent”) is registered as a mortgage loan originator pursuant to KRS Chapter 286.8.

3. During an investigation, DFI discovered that Respondent violated provisions of KRS Chapter 286.8.

4. As a result of the investigation, DFI filed an Administrative Complaint against Respondent on February 28, 2011. The Complaint charged Respondent with acting as an unregistered mortgage loan originator for forty-one (41) mortgage loans; providing loan origination services for more than one (1) mortgage broker at one time; and collecting unemployment benefits while employed as a mortgage loan originator.

5. Respondent appealed the Administrative Complaint and a hearing was scheduled for August 18, 2011.

6. The DFI possesses a range of administrative authority in addressing violations of KRS Chapter 286.8, including registration revocation or denial, and the imposition of fines in an amount up to \$25,000 per violation. *See* KRS §286.8-046; §286.8-090.

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

a. Respondent admits the charges in the Administrative Complaint of acting as an unregistered mortgage loan originator and providing services to more than one (1) mortgage broker at one time; but does not admit to collecting unemployment benefits while employed as a mortgage loan originator;

b. Respondent agrees to permanently surrender his Kentucky mortgage loan originator registration, effective January 4, 2012;

c. Respondent agrees to a fine assessment in the amount of seven thousand five hundred dollars (\$7,500.00) for the violation(s) described herein;

d. Respondent agrees to and shall pay the fine assessed herein, 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 Orme, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, in the following manner: the first payment of five thousand dollars (\$5,000.00) shall be due on the date Respondent signs the Agreed Order and returns it to DFI; and the remaining amount of two thousand five hundred dollars (\$2,500) shall be paid thirty (30) days from the date the Commissioner executes this Agreed Order; and

e. Respondent shall not apply to DFI for any license or registration required under KRS Chapter 286.8 to practice or participate in the mortgage industry in this state at any time in the future after entry of this Agreed Order.

8. The parties agree and understand that a violation of this Agreed Order of Settlement shall constitute a separate violation and shall not be construed as resolved by this Agreed Order of Settlement. A violation of this Agreed Order of Settlement may include, but not be limited to a civil penalty and revocation of registration with the Department.

9. 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.

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

11. In consideration of execution of this Agreed Order of Settlement, 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.

12. By signing below, the parties acknowledge they have read the foregoing Agreed Order of Settlement, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order of Settlement and legally bind their respective parties.

13. This Agreed Order of Settlement will act as a Final Order and settlement of Administrative Action No. 11-PPC-0090.

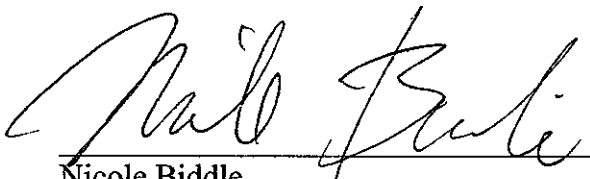
IT IS SO ORDERED on this the 5<sup>th</sup> day of February, 2012.

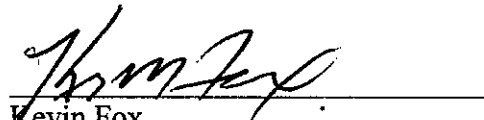
  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 4<sup>th</sup> day of January, 2012.

This 4 day of January, 2012.

  
\_\_\_\_\_  
Nicole Biddle  
Director, Non-Depository Division  
Department of Financial Institutions

  
\_\_\_\_\_  
Kevin Fox  
Respondent

ACKNOWLEDGEMENT

STATE OF Kentucky )

)

COUNTY OF Franklin )

On this the 4<sup>th</sup> day of Jan, 2012, before me, the undersigned, Kevin Fox, did personally appear and acknowledge himself and that he, 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: 6/14/15

Susan E. Gardner

Notary Public # 444684

**Certificate of Service**


I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 07<sup>th</sup> day of January, 2012, by certified mail, return receipt requested, to the following:

By Hand Deliver to:

Hon. Stuart W. Cobb  
Administrative Hearings Branch  
Office of the Attorney General  
1024 Capital Center Drive, Ste. 200  
Frankfort, Kentucky 40601-8204

by certified mail, postage prepaid, to:

Kevin Fox  
140 Limestone Blvd.  
Bardstown, KY 40004

  
Stephanie Dawson  
Department of Financial Institutions