

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0152



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER OF SETTLEMENT

LION'S GATE MORTGAGE GROUP, LLC

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. Respondent was licensed as a mortgage broker whose license was first approved on March 14, 2008 (license #MB22166). Respondent's principle place of business was at 346 Warfield Blvd., Suite C, Clarksville, TN 37043.

3. On September 22, 2010, DFI conducted a compliance exam on Respondent. During the course of that exam DFI discovered that Respondent used unregistered loan originators to originate mortgage loans in Kentucky and unregistered loan processors to process mortgage loans in Kentucky, in violation of KRS 286.8-030 and KRS 286.8-255.

4. On August 31, 2011, DFI filed an Administrative Complaint against Respondent, which Respondent has subsequently appealed.

5. The 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.

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

a. Respondent agrees to a fine assessment in the amount of eight thousand dollars (\$8,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the fine assessed herein, which shall be due upon Respondent signing the Agreed Order and 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;

c. Respondent shall not apply to DFI for any license or registration required under the Act to practice or participate in the mortgage industry in this state at any time in the future after entry of this Agreed Order and shall cease transacting mortgage business in the state Kentucky.

7. The parties agree and understand that a violation of this Agreed Order shall constitute a separate violation and shall not be construed as resolved by this Agreed Order. A violation of this Agreed Order may include, but not be limited to a civil penalty and/or other appropriate action.

8. Respondent waives its right to demand a hearing at which Respondent 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.


9. 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.

10. 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.

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 will act as a settlement of the Administrative Complaint and the execution of this Agreed Order will act as a withdrawal of the Administrative Complaint filed in this action.

IT IS SO ORDERED on this the 14th day of October, 2011.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 11th day of October, 2011.

This 7th day of October, 2011.

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

[Signature]
Authorized Representative
Lion's Gate Mortgage Group, LLC

ACKNOWLEDGEMENT

STATE OF Tennessee)
)
COUNTY OF Montgomery)

On this the 7th day of October, 2011, before me, the undersigned, Scott Crabtree, for Lion's Gate Mortgage Group, LLC, did personally appear and acknowledge himself/herself and that he/she, 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: 10-14-2014

Connie L. Baber
Notary Public



Certificate of Service

I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 14 day of October, 2011, by certified mail, return receipt requested, to the following:

Larry A. Rocconi, Esquire
Cunningham, Mitchell & Rocconi
308 South Second Street
Clarksville, TN 37040


Stephanie Dawson
Department of Financial Institutions