

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2011-AH-0123**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AGREED ORDER**

M/I FINANCIAL CORPORATION

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 Licensing and Regulation Act (the “Act”).

2. M/I Financial Corporation (“Respondent”) is licensed as a mortgage loan company in Kentucky pursuant to the Act, and maintains a principal office and last known address located at 3 Easton Oval, Columbus, Ohio 43219. Respondent’s initial license was effective on February 6, 2009 and in effect at all times relevant herein. Respondent also operates a licensed branch located at 9349 Waterstone Boulevard, Suite 110, Cincinnati, Ohio 45249. Respondent’s company Nationwide Mortgage Licensing System and Registry (“NMLS”) number is 50684, and Respondent’s branch Nationwide Mortgage Licensing System and Registry (“NMLS”) number is 153817.

3. During an examination on March 30, 2011, the DFI discovered that, during January 2010, Respondent directly or indirectly employed or used the services of an unregistered mortgage loan processor, in violation of KRS 286.8-030(1)(d), which prohibits a mortgage loan company or mortgage loan broker from employing or using a

mortgage loan originator or a mortgage loan processor who is not registered in accordance with KRS 286.8-255.

4. 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.

5. In this case, the DFI has assessed a fine against Respondent in the amount of one thousand dollars (\$1,000.00) the violation(s) described herein.

6. Respondent does not admit to the violations of KRS 286.8-255, and asserts that its actions were neither willful nor intentional, but Respondent 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 violation(s) described herein, the DFI and Respondent agree as follows:

- a. Respondent agrees to a fine assessment 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 a single installment payment of one thousand dollars (\$1,000.00), which shall be due on the date Respondent signs the Agreed Order and returns it to the DFI, but in no event later than July 18, 2011. Said payment 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: Michael T. Davis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

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.

8. 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.

9. Respondent consents to and acknowledges the jurisdiction of the 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, the 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 shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 20<sup>th</sup> day of July, 2011.

[Signature]  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 19<sup>th</sup> day of July, 2011.

[Signature]

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

This 14 day of July, 2011.

[Signature]

Paul S. Rosen, President, CEO and  
authorized representative of Respondent,  
M/I Financial Corporation

ACKNOWLEDGEMENT

STATE OF Ohio )  
COUNTY OF Franklin )

On this the 14 day of July, 2011, before me Lisa A. Giles, the undersigned, Paul S. Rosen, as President, CEO and authorized representative of M/I Financial Corporation, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 11/29/14

[Signature]  
Notary Public



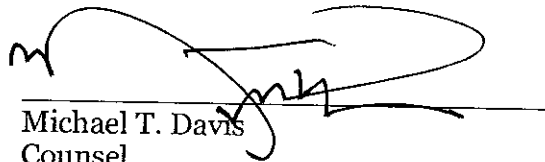
LISA A. GILES  
Notary Public, State of Ohio  
My Commission Expires 11-29-14

**Certificate of Service**

I, Michael T. Davis, hereby certify that a copy of the foregoing Agreed Order was sent on this the 21<sup>st</sup> day of July, 2011, by certified mail, to the following:

Jason K. Ellis  
M/I Financial Corporation  
9349 Waterstone Boulevard, Suite 110  
Cincinnati, Ohio 45249  
*Respondent*

Jason K. Ellis  
M/I Financial Corporation  
3 Easton Oval, Suite 210  
Columbus, Ohio 43219  
*Respondent*



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