

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
ADMINISTRATIVE AGENCY ACTION NO. 2010-AH-054**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

**FINAL ORDER**

MARSHA BINGHAM

RESPONDENT

**STATEMENT OF FACTS**

1. The Department of Financial Institutions (“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. Marsha Bingham (“Bingham”) is an individual whose last known mailing address is 3823 Melda Lane, Louisville, KY 40219.

3. Pursuant to the Act, the DFI conducted an examination of Blackhorse Mortgage Corporation in December 2009 to determine whether the activities of Blackhorse Mortgage Corporation were in compliance with applicable laws and regulations; whether the practices and policies of Blackhorse 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 Bingham originated loans on Kentucky properties while employed by Blackhorse Mortgage Corporation in January and February 2008.

5. Bingham was not registered with the DFI as a mortgage loan originator at the time she performed the above acts.

6. On May 20, 2010, the DFI filed an Administrative Complaint against Bingham seeking the imposition of a two thousand dollar (\$2,000) fine for Bingham's violations of the Act.

7. A copy of the Administrative Complaint was sent to Bingham'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 June 14, 2010. Bingham failed to respond to the Administrative Complaint.

#### **STATUTORY AUTHORITY**

8. 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."

9. Pursuant to KRS 286.8-255(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.”

10. 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**

11. Bingham violated of KRS 286.8-030(1)(c) by performing the acts set forth in paragraph four (4).

### **ORDER**

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

1. The Respondent, Marsha Bingham shall pay a fine in the amount of two thousand dollars (\$2,000) for violations 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 7<sup>th</sup> day of July 2010.

*Charles A. Vice*  
FOR CHARLES A. VICE Deputy Commissioner  
COMMISSIONER

**Certificate of Service**

I hereby certify that a copy of the foregoing **Final Order** was sent by certified mail return receipt requested and by regular mail on this the 6<sup>th</sup> day of July, 2010, to the following:

Marsha Bingham  
3823 Melda Lane  
Louisville, KY 40219

*Simon Berry*  
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Simon Berry  
Department of Financial Institutions  
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Frankfort, Kentucky 40601  
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