

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2015-AH-00142
ADMINISTRATIVE ACTION NO. 16-PPC-0071



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

V.

MARVIN JOHNSON

RESPONDENT

AGREED ORDER

1. The Department of Financial Institutions (“DFI”) is responsible for regulating and licensing mortgage loan companies and brokers, and regulating and registering mortgage loan originators in accordance with the provisions set forth in KRS Chapter 286.8 and applicable regulations.

2. At the time of the incidents in question, Respondent was registered as a mortgage loan originator in the Commonwealth of Kentucky under NMLS #63243.

3. Respondent was employed by First Rate Mortgage from July 1, 2013 to March 10, 2015, when he resigned.

4. On March 12, 2015, First Rate Mortgage reported to DFI that Respondent resigned after an allegation that he had falsified a bank statement in a mortgage loan transaction.

5. Pursuant to KRS 286.8-220(1), it shall be unlawful for any person to make or cause to be made, in any document filed with the commissioner, a governmental agency, the Nationwide Mortgage Licensing System and Registry, or in any proceeding under this subtitle, any statement

that is, at the time and in light of the circumstances under which it is made, false or misleading in any material respect, including an omission of a material fact.

6. Pursuant to KRS 286.8-220(2)(a), it shall be unlawful for any person, in connection with a transaction involving the mortgage lending process, or in connection with the operation of a mortgage loan business or the management or servicing of mortgage loans, directly or indirectly, to employ a device, scheme, or artifice to defraud.

7. Pursuant to KRS 286.8-220(2)(b), it shall be unlawful for any person, in connection with a transaction involving the mortgage lending process, or in connection with the operation of a mortgage loan business or the management or servicing of mortgage loans, directly or indirectly, to engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon any person.

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

9. The DFI and Respondent, in the interest of economically and efficiently resolving this matter, agree as follows:

a. Respondent agrees to voluntarily surrender his registration (NMLS #63243) in lieu of revocation; and

b. Respondent agrees that he shall never apply for or be eligible for a license or registration under KRS 286.8 in the Commonwealth of Kentucky. Respondent further agrees to never again participate in the business activities of a mortgage licensee or registrant in the Commonwealth of Kentucky;

10. 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 Agreed Order.

11. 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.

12. In consideration of execution of this Agreed Order, 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.

13. By signing below, Respondent acknowledges he has read the foregoing Agreed Order and knows and fully understand its contents.

14. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 23rd day of February, 2017.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 22nd day of February, 2017.

Tammy R. Scruggs

Tammy Scruggs, Director
Division of Non-Depository Institutions
Department of Financial Institutions

This 20th day of February, 2017.

Marvin Johnson

Marvin Johnson
NMLS #63243

ACKNOWLEDGEMENT

STATE OF Kentucky)
)
COUNTY OF Franklin)

On this the 20 day of February, 2017, before me Marvin Johnson, the undersigned, Andrew Calvert, did personally appear and that he entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 7/15/2020

Andrew J. Calvert
Notary Public

#561016



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 23
day of February, 2017, by certified mail, return receipt requested, to:

Mr. Marvin Johnson
1108 Crossings Cove Court
Louisville, KY 40245-3507

Via hand-delivery to:

Gary A. Stephens
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601

Kentucky Department of Financial Institutions

Name: Allison E Hiles

Title: Executive Staff Advisor