

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2009-AH-043**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

MCKINLEY MORTGAGE, LLC.

RESPONDENT

AGREED ORDER

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. McKinley Mortgage, LLC (“McKinley”) is authorized to do business in Kentucky as a licensed mortgage loan broker pursuant to the Act, with its principal office located at 4520 Cooper Road, Suite 101, Cincinnati, Ohio, 45242.

3. During an examination, DFI discovered that McKinley had utilized one (1) unregistered loan officer to originate mortgage loans during the 2008 calendar year in violation of KRS §286.8-030 which prohibits a mortgage loan broker from employing or using a loan officer who is not registered in accordance with KRS §286.8-255.

4. The Department possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, 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 Department assessed a fine against McKinley in the amount of one thousand dollars (\$1,000.00) for utilizing an unregistered loan officer to originate Kentucky loans in violation of KRS §286.8-030.

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

a. McKinley agrees to a fine assessment in the amount of one thousand dollars (\$1,000.00) for the violation(s) described herein;

b. McKinley agrees to and shall pay the total fine assessed herein of one thousand dollars (\$1,000) prior to the entry of this Order, 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: Christine Lewis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. McKinley agrees to register with DFI all individuals who originate mortgage loans on Kentucky properties on its behalf; and

d. McKinley 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.

7. McKinley 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.

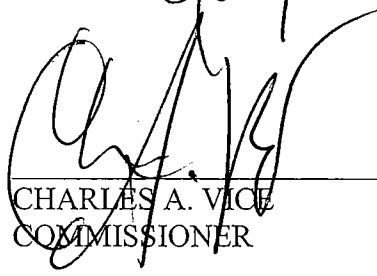
8. McKinley consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

9. In consideration of execution of this Agreed Order, McKinley 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 McKinley 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.

10. 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.

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

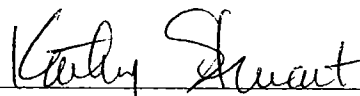
IT IS SO ORDERED on this the 30th day of July, 2009.



CHARLES A. VICE
COMMISSIONER


Consented to:

This 29 day of July, 2009.



Kathy Stewart, Director
Division of Financial Institutions
Department of Financial Institutions

This 27 day of July, 2009.



Paul Luck, III
McKinley Mortgage, LLC

ACKNOWLEDGEMENT

STATE OF OHIO)
)
COUNTY OF HAMILTON)

On this the 27 day of July, 2009, before me GENE E. CARROLL, the undersigned, **Paul Luck, III**, did personally appear and acknowledge himself to be the _____ of McKinley Mortgage, LLC, 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: _____



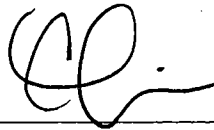
GENE E. CARROLL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 4-11-2012

Notary Public

Certificate of Service

I, Christine Lewis, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 30 day of July, 2009, by certified mail, return receipt requested, to the following:

Paul Luck, III
McKinley Mortgage, LLC
4520 Cooper Road
Suite 101
Cincinnati, Ohio 45242



Christine Lewis
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 x240 (phone)
502-573-2183 (facsimile)

Counsel for Complainant

ACKNOWLEDGEMENT

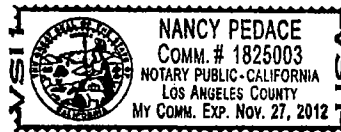
STATE OF California)
)
COUNTY OF Orange)

On this the 13th day of July, 2009, before me Nancy Pedace, the undersigned, **Tracy Newell**, did personally appear and acknowledge herself to be the Compliance Officer of Multi-State Home Lending, Inc., and that 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: 11-27-12

Nancy Pedace
Notary Public



Certificate of Service

I, Christine Lewis, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 30 day of July, 2009, by certified mail, return receipt requested, to the following:

Tracy Newell
Compliance Officer
Multi-State Home Lending, Inc.
2081 Business Center Drive
Suite 190
Irvine, CA 92612



Christine Lewis
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 x240 (phone)
502-573-2183 (facsimile)

Counsel for Complainant