

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE AGENCY ACTION NO. 2010-AH-066
ADMINISTRATIVE AGENCY ACTION NO. 2010-AH-093

DEPARTMENT OF FINANCIAL INSTITUTIONS
COMPLAINANT

vs.

AGREED ORDER

MICHAEL DALE SHEWMAKER
RESPONDENT

STATEMENT OF FACTS

1. The Department of Financial Institutions (the "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. Michael Dale Shewmaker ("Shewmaker") is an individual whose last known address is 210 Watson Rd SW Corydon, IN 47112.
3. Pursuant to the Act, the DFI conducted an examination of Blackhorse Mortgage Corporation ("Blackhorse Mortgage") and of Overland Mortgage Corporation d/b/a Integrity Home Mortgage ("Overland Mortgage") in December 2009 to determine whether the activities of Blackhorse Mortgage and Overland Mortgage were in compliance with applicable laws and regulations; whether their practices and policies had a potentially adverse impact on prospective borrowers; and whether the businesses were being operated efficiently, fairly, and in the public interest.

4. During the examinations, the DFI discovered that in 2008 and 2009 Shewmaker acted as a mortgage loan originator for Blackhorse Mortgage and for Overland Mortgage

5. Shewmaker was not registered with the DFI as a mortgage loan originator at the time he performed the acts set forth in paragraph four (4).

LEGAL CONCLUSIONS

6. 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."

7. 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."

8. Shewmaker violated KRS 286.8-030(1)(c).

9. 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.

AGREEMENT

10. In the interest of economically and efficiently resolving the violation(s) described herein and avoid the expense, inconvenience, and uncertainty of further administrative proceedings, the DFI and Shewmaker agree as follows:

- a. Shewmaker agrees to a fine assessment in the amount of fifteen hundred dollars (\$1,500.00) for the violation(s) described herein;
- b. Shewmaker agrees to and shall pay the total fine assessed herein of fifteen hundred dollars (\$1,500.00). The fine shall be paid as follows.

August 1, 2010	\$500.00
September 1, 2010	\$250.00
October 1, 2010	\$250.00
November 1, 2010	\$250.00
December 1, 2010	\$250.00

The payments 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: Simon Berry, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

11. Shewmaker 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 Order.

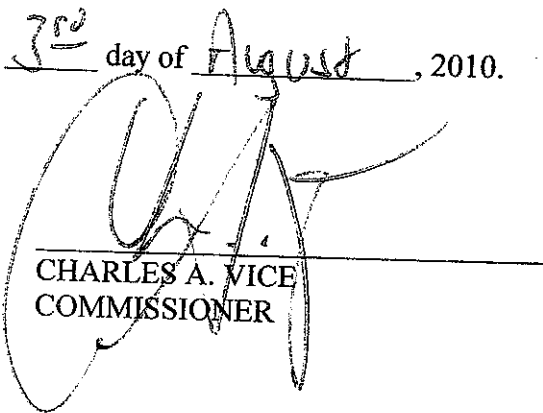
12. Shewmaker consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

13. In consideration of execution of this Agreed Order, Shewmaker 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 Shewmaker 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.

14. 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.

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


IT IS SO ORDERED on this the 3rd day of August, 2010.



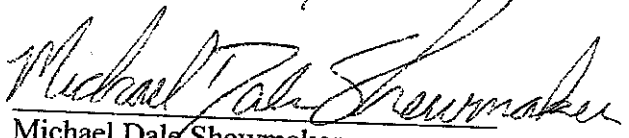
CHARLES A. VICE
COMMISSIONER

Consented to:

This 19th day of July, 2010.


Nicole Biddle, Director
Division of Nondepository Institutions
Department of Financial Institutions

This 29 day of July 2010

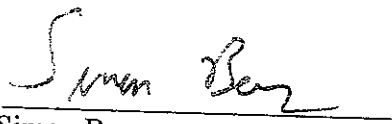

Michael Dale Shewmaker
Respondent

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent by certified mail return receipt requested on this the 30 day of July, 2010, to the following:

Dale Shewmaker
210 Watson Rd SW
Corydon, IN 47112

3 August


Simon Berry
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 573-3390 Ext. 232
(502) 573-2183 (facsimile)