

ENTERED  
MAR 31 2015  
8:00 a.m.  
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2015-AH-00052

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

OPEN MORTGAGE, LLC (MC83554, MC95097, and MC90540)

RESPONDENT

\* \* \* \* \*

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing entities engaged in mortgage brokering, origination, and processing in accordance with the provisions set forth in KRS Chapter 286.8.

2. Open Mortgage, LLC ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8. Respondent had a branch office located in 3175 Custer Drive, Suite 304, Lexington, KY 40517, under license MC92938, which was surrendered on September 4, 2013. Respondent's license numbers are MC83554, MC95097, and MC90540. (ICIE# 320109)

3. DFI conducted an examination of the Respondent on December 11, 2014, and discovered that two unregistered loan processors, had been employed at the closed branch location in violation of KRS 286.8-030(1)(c) and KRS 286.8-030(1)(d).

4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, suspension or the imposition of civil penalties. See KRS 286.8-046 and 286.8-090.

5. In this case, DFI assessed a civil penalty against Respondent in the amount of Two Thousand Dollars (\$2,000.00) for violating KRS 286.8.

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

a. Respondent agrees to a civil penalty assessment in the amount of Two Thousand Dollars (\$2,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Two Thousand Dollars (\$2,000.00). The payment shall be due when Respondent signs and returns the Agreed Order. The 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: Non-Depository Division – ORDER, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.8.

7. 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.

8. 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.

9. Respondent agrees to cease and desist from using an unlicensed loan processor in Kentucky and originating loans from branch locations until such time as the requirements of KRS Chapter 286.8 are met.

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, 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 30<sup>th</sup> day of March, 2015.

  
CHARLES A. VICE  
COMMISSIONER  
*Charles Vice*



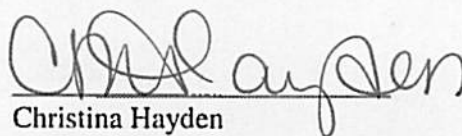
**CERTIFICATE OF SERVICE**

I, Christina Hayden, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 31 day of March, 2015, by certified mail, return receipt requested, to:

Ms. Laura Kardow, Director of Compliance  
Open Mortgage, LLC  
14101 West Highway 290, Suite 1300  
Austin, TX 78737

Via hand-delivery to:

Hon. Gary W. Adkins  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

A handwritten signature in cursive script that reads "Christina Hayden". The signature is written in black ink and is positioned above the printed name and title.

Christina Hayden  
Department of Financial Institutions