

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2015-AH-00104
ADMINISTRATIVE ACTION NO. 15-PPC-0197

ENTERED
AUG 19 2019
AER 8AM
COMMISSIONERS OFFICE

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AMENDED FINAL ORDER VACATING AND AMENDING PORTION OF
DEPARTMENT'S DECEMBER 18, 2015 FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND FINAL ORDER**

ROGER WILLIAM HOLLOWAY III
HOLLOWAY MORTGAGE GROUP, LLC

RESPONDENTS

* * * * *

This matter is before the Commissioner of the Department of Financial Institutions ("Department" or "DFI"), pursuant to KRS 13B.120, KRS 286.8-090, and KRS 286.8-140. The Commissioner hereby enters this **Amended Final Order** amending the Final Order entered on December 18, 2015, vacating and setting aside the revocation of Roger William Holloway III's ("Holloway") mortgage loan originator ("MLO") registration, and amending that revocation to a suspension, pursuant to KRS Chapter 286.8.

1. DFI is responsible for regulating and licensing mortgage loan brokers and mortgage loan originators in accordance with the provisions of KRS 286.8.

2. Holloway was a registered mortgage loan originator in the Commonwealth of Kentucky under NMLS #51065, until the registration was revoked on December 18, 2015.

3. Holloway Mortgage Group, LLC ("Holloway Mortgage"), owned and operated by Holloway, was a licensed mortgage loan broker in the Commonwealth of Kentucky under NMLS #1022996, until the license was revoked on December 18, 2015.

4. On July 2, 2015, DFI, by counsel, filed an Administrative Complaint to revoke Holloway's MLO registration and Holloway Mortgage's mortgage broker license based on several violations of KRS 286.8, including failure to disclose a pending criminal charge. DFI filed an Amended Administrative Complaint on September 2, 2015.

5. On October 22, 2015, this matter came before Susan Durant ("Durant"), then a Hearing Officer with the Office of the Attorney General, for an evidentiary hearing pursuant to KRS Chapter 13B.

6. On November 20, 2015, Durant issued her Findings of Fact, Conclusions of Law, and Recommended Order, recommending a revocation of Holloway's MLO registration and Holloway Mortgage's mortgage loan broker license.

7. On December 18, 2015, Commissioner Vice entered his Findings of Fact, Conclusions of Law, and Final Order, revoking Holloway's MLO registration and Holloway Mortgage's mortgage loan broker license.

8. Holloway has recently presented proof that, subsequent to the Recommended Order issued by Durant, the criminal charge which Holloway failed to disclose, was expunged from Holloway's record.

9. Aside from the allegation that Holloway failed to disclose the criminal charge, the remaining charges addressed in the Administrative Complaints and Administrative Hearing involved Holloway's failure to properly operate Holloway Mortgage.

10. Pursuant to KRS 286.8-140(1), the Commissioner is authorized by statute to amend his orders if the Commissioner finds that the amendment is necessary or appropriate in the public interest and consistent with the purposes fairly intended by the public interest and consistent with the purposes fairly intended by the policy and provisions of KRS 286.8.

11. After having considered all the currently-available relevant facts and circumstances, as well as the statutorily-authorized remedies, DFI has determined that a suspension of Holloway's MLO registration is an appropriate penalty, and that the 2015 Final Order should be amended to change the revocation of Holloway's MLO registration to a retroactive suspension.

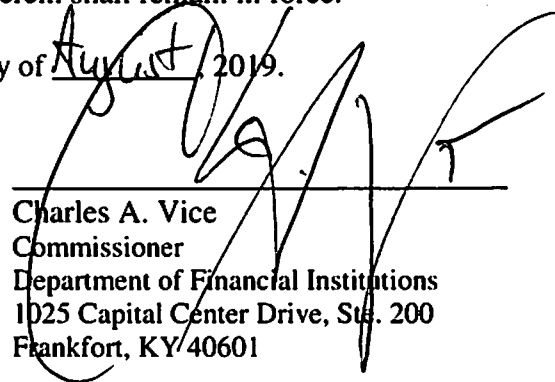
12. Based on the standards of KRS 286.8-140(1), the Commissioner finds that the foregoing amendment is necessary and appropriate in the public interest and consistent with the purposes fairly intended by the policy and provisions of KRS Chapter 286.8.

FINAL ORDER

The Commissioner hereby **ORDERS** as follows:

1. That portion of DFI's December 18, 2015 Final Order revoking Holloway's mortgage loan originator registration (NMLS #51065) is hereby vacated, rescinded and set aside.
2. Holloway's mortgage loan originator registration (NMLS #51065) is hereby suspended retroactively from December 18, 2015 through December 18, 2018.
3. The mortgage loan broker license of Holloway Mortgage Group, LLC (License # 1022996) shall remain revoked as of December 18, 2015.
4. All other provisions of the Department's December 18, 2015 Findings of Fact, Conclusions of Law and Final Order unaddressed herein shall remain in force.

IT IS SO ORDERED on this the 12th day of August, 2019.



Charles A. Vice
Commissioner
Department of Financial Institutions
1025 Capital Center Drive, Ste. 200
Frankfort, KY 40601

NOTICE OF APPEAL RIGHTS

Pursuant to KRS 286.8-210, you are hereby notified that any person aggrieved by this Final Order of the Commissioner may obtain a review of the Order by the Franklin Circuit Court. If you choose to appeal, you must file a written petition asking that the order be modified or set aside in whole or in part in the Franklin Circuit Court within sixty (60) days after the date reflected on the certificate of service attached to this Final Order. A copy of the petition must be served upon the Commissioner.

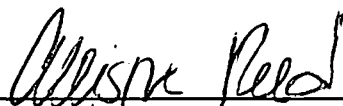
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Amended Final Order** was served by certified mail and email, on this the 19th day of August, 2019 to:

Roger W. Holloway III
202 Mclean Avenue
Hopkinsville, KY 42240

Hand delivered to:

Gary A. Stephens
Department of Financial Institutions
1025 Capital Center Drive, Ste. 200
Frankfort, KY 40601



Allison Reed
Department of Financial Institutions