

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2010-AH-1090

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

FINAL ORDER

SCOTT BRANDENBURG

RESPONDENT

STATEMENT OF FACTS

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. Scott Brandenburg (“Brandenburg”) is an individual whose last known address is 228 W. Orchard, Ft. Mitchell, KY 41011.

3. On January 20, 2010, the DFI conducted an examination of mortgage broker Franklin Financial group, Inc. and discovered that Brandenburg originated mortgage loans while employed by Franklin Financial Group, Inc. during the 2009 calendar year.

4. Brandenburg was not registered with the DFI as a mortgage loan originator in 2009.

5. On August 4, 2010, the DFI filed an Administrative Complaint against Brandenburg seeking the imposition of a one thousand dollar fine for his violations of the Act.

The Administrative Complaint was mailed to Brandenburg's last known address by certified mail return receipt requested.

6. On August 9, 2010, the DFI received notification from the U.S. Post Office that the Administrative Complaint was received at Brandenburg's last known mailing address on August 5, 2010.

7. Brandenburg did not file an answer to the Administrative Complaint or otherwise ask for a hearing within twenty (20) days of service of the Administrative Complaint.

STATUTORY AUTHORITY

8. 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."

9. 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."

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

LEGAL CONCLUSIONS

11. Brandenburg violated KRS 286.8-030(1)(c).

ORDER

THEREFORE, based upon the foregoing statement of facts, statutory authority, and legal conclusions, the Commissioner **HEREBY ORDERS**:

1. The Respondent, Scott Brandenburg, shall pay a fine in the amount of one thousand dollars (\$1,000) for violation(s) of the Act.
2. This is a **FINAL ORDER**.

This **ORDER** shall become effective upon completion of service as set forth in KRS 13B-050(2).

NOTICE OF APPEAL RIGHTS

Pursuant to KRS 13B.140, you are hereby notified that you have the right to appeal this Final Order of the Commissioner. If you choose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within thirty (30) days after entry of this Order.

IT IS SO ORDERED on this the 1st day of September 2010.

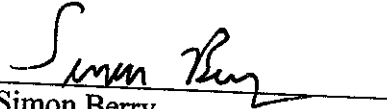


CHARLES A. VICE
COMMISSIONER

Certificate of Service

I, Simon Berry, hereby certify that a copy of the foregoing **Final Order** was sent on this the 2nd day of September, 2010, by certified mail, return receipt requested, to the following:

Scott Brandenburg
228 W. Orchard
Ft. Mitchell, KY 41011



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Counsel for Complainant