

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2015-AH-00149

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

SIWELL, INC. (MC93092)
d/b/a CAPITAL MORTGAGE SERVICES OF TEXAS

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. Siwell, Inc. ("Respondent") is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8. Respondent's license number is MC93092. (ICIE# 328146)

3. DFI conducted an examination of the Respondent on May 6, 2015, and discovered that the licensee had operated prior to licensure, in violation of KRS 286.8-030(1)(a).

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 Five Hundred Dollars (\$2,500.00) for violating KRS 286.8.

6. In the interest of economically and efficiently resolving the violation(s) described herein, and without Respondent admitting or denying the statements of fact and legal conclusions herein, DFI and Respondent agree as follows:

a. Respondent agrees to a civil penalty assessment in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Two Thousand Five Hundred Dollars (\$2,500.00), which shall be due upon entry of 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 the 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. 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 enforcement action, this settlement agreement, 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 4th day of JANUARY, 2016.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 24th day of December, 2015.

(Tammy R Scruggs)
Tammy Scruggs, Director
Division of Non-Depository Institutions
Department of Financial Institutions

This 24 day of December 2015.

[Signature]
Authorized Representative
Siwell, Inc., d/b/a
Capital Mortgage Services of Texas
License #MC93092

ACKNOWLEDGEMENT

STATE OF Texas)
COUNTY OF Lubbock)

On this the 24th day of December, 2015, before me Sarah Ruehlen, the undersigned, Royce Lewis, did personally appear and acknowledge himself/herself to be the authorized representative of Siwell, Inc. also d/b/a Capital Mortgage Services of Texas, License #MC93092 and that he/she, being duly authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: July 23 2015

[Signature]
Notary Public



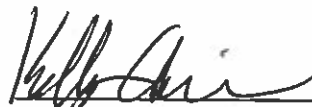
CERTIFICATE OF SERVICE

I, Kelly Childers, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 5th day of January, 2016, by certified mail, return receipt requested, to:

Mr. Royce Lewis
Siwell, Inc.
4212 50th Street
Lubbock, TX 79413

Via hand-delivery to:

Hon. Deborah Crocker
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601



Ms. Kelly Childers
Department of Financial Institutions