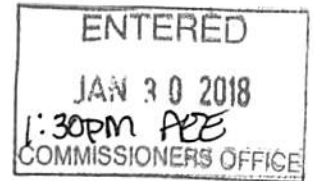


COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2017-AH-00084



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

SWAN FINANCIAL CORPORATION (MB19421)

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. Swan Financial Corporation (“Respondent”) is authorized to do business in Kentucky as a mortgage broker pursuant to KRS Chapter 286.8, with an office located at 320 Whittington Parkway, Suite 106, Louisville, Kentucky 40222. Respondent’s license number is MB19421. (ICIE# 379388)

3. In November 2016, DFI discovered a personal website operated by a mortgage loan originator employed by Respondent. The website solicited mortgage loan customers.

4. DFI had examined Respondent in August 2016. As part of the examination, DFI requested “copies of all current advertising/marketing materials, including print, direct mail, and radio scripts including times and dates of electronic media ads (i.e. Radio-TV).”

5. Respondent did not provide DFI with any personal websites operated by mortgage loan originators employed by Respondent, in violation of KRS 286.8-170(3).

6. 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.

7. 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.

8. 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 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 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 statutory requirements set forth in KRS Chapter 286.8.

9. 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.

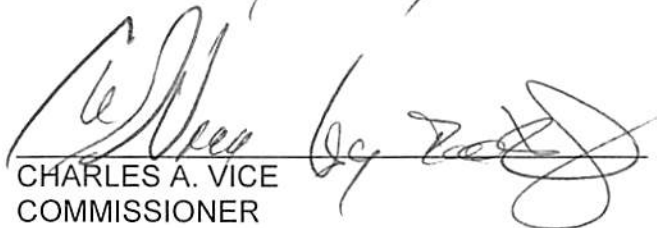
10. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

11. 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.

12. By signing below, Respondent acknowledges it has read the foregoing Agreed Order, knows and fully understands its contents, and that the individual signing on behalf of Respondent is authorized to enter into and execute this Agreed Order and legally bind Respondent.

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

IT IS SO ORDERED on this the 30 day of January, 2018.


CHARLES A. VICE
COMMISSIONER

Consented to:

This 29th day of January, 2018.

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

This 22 day of December, 2017.

[Signature]
Authorized Representative
Swan Financial Corporation
License # MB19421

ACKNOWLEDGEMENT

STATE OF Kentucky)
COUNTY OF Jefferson)

On this the 22nd day of December, 2017, before me
Thomas E Sexton, the undersigned,
did personally appear and acknowledge
himself/herself to be the authorized representative for Swan Financial Corporation and
that he/she, entered into and executed the foregoing instrument for the purposes therein
contained.

My Commission Expires: 7-14-18

[Signature]
Notary Public



CERTIFICATE OF SERVICE

30 I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the
day of January, 2018, by certified mail, return receipt requested, to:

Mr. Thomas Sexton
Swan Financial Corporation
320 Whittington Pkwy., Ste. 106
Louisville, Kentucky 40222

Via hand-delivery to:

Gary A. Stephens
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601

Kentucky Department of Financial Institutions

Name: Allison Swan

Title: Executive Staff Advisor