

ENTERED
AUG 28 2014
COMMISSIONERS OFFICE

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2014-AH-0097**

RECEIVED
AUG 25 2014
DFI/OGC

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

TOP FLIGHT FINANCIAL, INC.

RESPONDENT

AGREED ORDER

* * * * *

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. Top Flight Financial, Inc. (“Respondent”) was using an unlicensed loan processor in Kentucky pursuant to KRS Chapter 286.8.

3. DFI conducted an examination of the Respondent and discovered that on April 16, 2014 in violation of KRS 286.8-030, the Respondent was using an individual as a loan processor who is not registered as a loan processor in accordance with KRS 286.8-255.

4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, suspension or the imposition of fines. *See* KRS 286.090(1)a and c.

5. In this case, DFI assessed a fine against Respondent in the amount of one thousand dollars (\$1,000.00) 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 fine assessment in the amount of one thousand dollars (\$1,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total fine assessed herein of one thousand dollars (\$1,000). 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 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 until such time as the requirements of KRS Chapter 286.8 are met.

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 disciplinary action, this settlement or its administration.

10. 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.

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

IT IS SO ORDERED on this the 27th day of August, 2014.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 20th day of August, 2014.

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

This 13th day of August, 2014.

Timothy Baist
Timothy Baist, President
Top Flight Financial, Inc.

ACKNOWLEDGEMENT

STATE OF Michigan)
)
COUNTY OF Ingham)

On this the 13th day of August, 2014, before me Kim M. Piper, the undersigned, Timothy Baist, did personally appear and acknowledge himself/herself to be the authorized representative for Top Flight Financial, Inc. and that he/she, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: Dec. 25, 2017

Kim M. Piper
Notary Public

KIM M PIPER
Notary Public, State of Michigan
County of Ingham
My Commission Expires 12-25-2017
Acting in the County of Ingham

Certificate of Service

I, Christina Hayden, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 28 day of August 2014, by certified mail, return receipt requested, to the following:

Top Flight Financial, Inc.
South Park Center Drive, Suite 4
Corbin, KY 40701

Via hand-delivery to:

Walker C. Cunningham
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601



Christina Hayden
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390