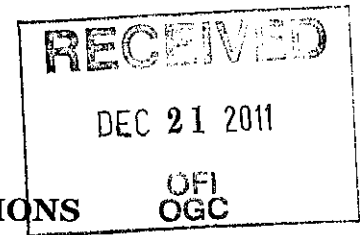


COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2011-AH-0201



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AGREED ORDER**

WR STARKEY MORTGAGE, LLP

RESPONDENT

\* \* \* \* \*

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 Licensing and Regulation Act (the “Act”).

2. WR Starkey Mortgage, LLP (“Respondent”) is a mortgage loan company with its principal office located at 5055 W. Park Boulevard, Suite 300, Plano, Texas 75093. At all times relevant herein, Respondent was licensed to conduct such business in Kentucky pursuant to the Act. Respondent’s Nationwide Mortgage Licensing System and Registry number is 2146.

3. During an examination of Respondent on August 17, 2011, the DFI discovered that during the calendar year 2008, Respondent originated at least one (1) Kentucky mortgage loan from an unlicensed branch located at 2813 South Hulen, Suite 200, Fort Worth, Texas 75109, in violation of KRS 286.8-100(1), which states that “No licensee shall establish or maintain a branch transacting business in Kentucky, either directly or indirectly, without filing the application as described in KRS 286.8-032(5) and receiving prior written approval of the executive director.”

4. In addition, the DFI’s examination revealed that on at least three (3) occasions during the calendar year 2008, Respondent directly or indirectly employed or

used the services of an unregistered mortgage loan originator in connection with Kentucky loans, in violation of KRS 286.8-030(1)(d), which prohibits a mortgage loan company from employing or using a mortgage loan originator or a mortgage loan processor who is not registered in accordance with KRS 286.8-255.

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

6. In this case, the DFI has assessed fines against Respondent in the total amount of five thousand, five hundred dollars (\$5,500.00) for its violations described herein.

7. In the interest of economically and efficiently resolving the allegation(s) described herein, the DFI and Respondent agree as follows:

- a. Respondent agrees to a fine in the amount of five thousand, five hundred dollars (\$5,500.00) for its violation(s) described herein;
- b. Respondent agrees to and shall pay the total fines assessed to it in a single installment of five thousand, five hundred dollars (\$5,500.00), which payment shall be due on the date Respondent signs the Agreed Order and returns it to the DFI, but in no event later than December 26, 2011. Said 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: Michael T. Davis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in the Act and the regulations set forth in 808 KAR Chapter 12.

8. 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.

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

10. 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, the 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.

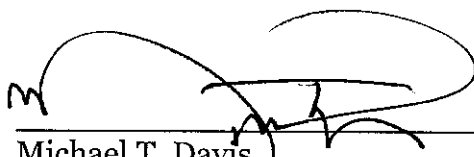
11. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.



**Certificate of Service**

I, Michael T. Davis, hereby certify that a copy of the foregoing Agreed Order was sent on this the 3<sup>rd</sup> day of January, 2011, by certified mail, to the following:

WR Starkey Mortgage, LLP  
Attn: Brett L. Foster  
5055 W. Park Blvd., Suite 300  
Plano, Texas 75093  
*Respondent*

  
\_\_\_\_\_  
Michael T. Davis  
Department of Financial Institutions  
1025 Capital Center Drive  
Suite 200  
Frankfort, Kentucky 40601  
502-573-3390 ext. 240 (phone)  
502-573-2183 (facsimile)  
*Counsel for Complainant*