



COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2013-AH-0226

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

FIRST RATE MORTGAGE CORPORATION

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. First Rate Mortgage Corporation (“Respondent”) was using an unlicensed loan processor on Kentucky loans pursuant to KRS Chapter 286.8.

3. DFI conducted an examination of the Respondent and discovered that on July 24, 2013 in violation of KRS 286.8-030, the Respondent had been using an individual as a loan processor who was 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 the statutory minimum fine against Respondent in the amount of one thousand dollars (\$1,000.00) for each of the five violations of KRS 286.8. The cumulative assessed fine in this case is therefore, five thousand dollars (\$5,000).

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 each the violation(s) described herein for a cumulative total of five thousand dollars (\$5,000) in penalties;

b. Respondent agrees to and shall pay the total fine assessed herein of five thousand dollars (\$5,000) in two payments. The first payment (\$2,500) shall be due when Respondent signs and returns the Agreed Order by December 6th. The second payment (\$2,500) shall be due by January 10. The payments 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: Walker C. Cunningham III, 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 unlicensed loan processors for Kentucky loans until such time as the requirements of KRS Chapter 286.8 are met.

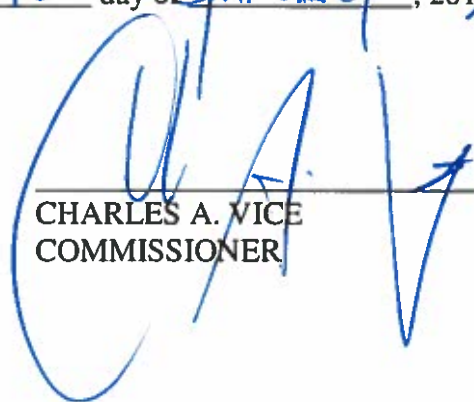
9. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of

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 10<sup>th</sup> day of JANUARY, <sup>2014</sup>~~2013~~, CAV

  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 9 day of January, 2014. <sup>SSB</sup>

This 2nd day of December, 2013.

[Signature]

Authorized Representative  
Division of Non-Depository Institutions  
Department of Financial Institutions

[Signature]

Authorized Representative  
First Rate Mortgage Corporation

**ACKNOWLEDGEMENT**

STATE OF Kentucky )  
 )  
COUNTY OF Jefferson )


On this the 2nd day of December, 2013, before me Ronda F Adams the undersigned, Margaret Miller, did personally appear and acknowledge himself/herself to be the authorized representative for First Rate Mortgage Corporation 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: May 29, 2016

[Signature]  
Notary Public

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 10 day of January, ~~2013~~, by certified mail, return receipt requested, to the following: 2014 

First Rate Mortgage Corporation  
10400 Linn Station Road Ste 226  
Louisville, KY 40223  
Attn: Margaret Miller

Critt Cunningham  
DFI Counsel

  
~~Stephanie Dawson~~ Christina Hayden  
Department of Financial Institutions