



COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
ADMINISTRATIVE AGENCY CASE NO. 2016-AH-00094

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AGREED ORDER**

HOMESERVICES LENDING, LLC  
(License #: MC76831)

RESPONDENT

\* \* \* \* \*

1. The Department of Financial Institutions (“DFI”) is responsible for regulating and licensing entities engaged in the business of mortgage brokering, origination and processing in accordance with the provisions set forth in Kentucky Revised Statutes (KRS) Chapter 286.8.

2. HomeServices Lending, LLC. (“Respondent”) is authorized to do business in Kentucky as a mortgage loan company licensee, pursuant to KRS Chapter 286.8, with an office located at 7601 Office Plaza Drive, Suite 125, West Des Moines, Iowa 50266, with License #: MC76831(NMLS #: 490683) (ICIE #: 370411).

3. During a routine examination on February 22, 2016, DFI discovered the following:

- a. Respondent employed sixteen (16) unregistered loan processors, in violation of KRS 286.8-030(1)(c), KRS 286.8-030(1)(d) and KRS 286.8-255.

- b. Respondent allowed the publication of several written solicitations and advertisements where the NMLS numbers of Respondent and the loan originator were not disclosed, in violation of KRS 286.3-030(5).
- c. Respondent failed to renew the license for its branch at 3737 Charlestown Road, Suite A, New Albany, Indiana 47150 (License #: MC77097), but continued to originate mortgage loan products from that location, in violation of KRS 286.8-100(1).
- d. Respondent failed to properly implement several institutional controls, failed to properly implement policies and practices regarding expense reimbursement, provided things of value to real estate agents and failed to properly maintain certain receipts and documents within corporate records for its Kentucky operations, in violation of KRS 286.8-220(2)(h), KRS 286.8-220(2)(i) and KRS 286.8-295.

4. DFI possesses a range of administrative authority in addressing statutory and regulatory violations, including license revocation or denial, suspension or the imposition of civil penalties. See KRS 286.8-046 and KRS 286.8-090.

5. In this case, the DFI assessed a civil penalty against Respondent in the amount of **TWENTY-ONE THOUSAND DOLLARS AND ZERO CENTS (\$21,000.00)** for the above-described violations of KRS Chapter 286.8.

6. In the interest of economically and efficiently resolving the violations 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 **TWENTY-ONE THOUSAND DOLLARS AND ZERO CENTS (\$21,000.00)** for the violations described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of **TWENTY-ONE THOUSAND DOLLARS AND ZERO CENTS (\$21,000.00)**, 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 statutory and regulatory requirements set forth in KRS Chapter 286.8 and 808 KAR Chapter 12.

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 disciplinary action, this settlement or its administration.

10. 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.

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

IT IS SO ORDERED on this the 3<sup>rd</sup> day of JANUARY, 2016.

  
\_\_\_\_\_  
CHARLES A. WICE  
COMMISSIONER

Consented to:

This 21<sup>th</sup> day of December, 2016.

This 21<sup>st</sup> day of December, 2016.

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

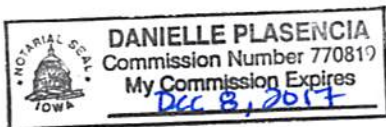
[Signature]  
Authorized Representative  
HomeServices Lending, LLC  
Mortgage Company License  
#: MC76831 (NMLS #: 490683)

ACKNOWLEDGEMENT

STATE OF IOWA )  
 )  
COUNTY OF POLK )

On this the 21<sup>st</sup> day of December, 2016, before me Danielle Plascencia the undersigned, Jean Anne Seeliger, did personally appear and acknowledge himself/herself to be the authorized representative of **HomeServices Lending, LLC (License #: MC76831)** and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: 12/08/2017



[Signature]  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 3 day of January, 2011, by certified mail, return receipt requested, to:

**Jean Anne Seeliger, Esq.**  
**HomeServices Mortgage**  
**AVP – Assistant Corporate Counsel, Compliance**  
**7601 Office Plaza Drive, Suite 125**  
**West Des Moines, Iowa 50266**

And by Hand-Delivery to:

Hon. Tiffany J. Bowman  
1025 Capital Center Drive, Suite 200  
Frankfort, KY 40601  
Attorney for the Kentucky Department of Financial Institutions

Kentucky Department of Financial Institutions

Name: Allison E. Hite

Title: Executive Staff Advisor