

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0186



DEPARTMENT OF FINANCIAL INSTITUTIONS
COMPLAINANT

vs.

MORTGATOPIA, LLC

RESPONDENT

AGREED ORDER

* * * * *

- 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 Loan Company and Mortgage Loan Broker Act (the “Act”).

- Mortgato pia, LLC (“Respondent”) had an office authorized to do business in Kentucky as an exempt HUD mortgage broker pursuant to the Act, with the office located at 2404 Fourth Street, Cuyahoga Falls, OH 44221. The license number was ME2209.

- Based on information obtained during an investigation, DFI alleges that in 2008 and in 2009, Respondent utilized unregistered loan originators to originate mortgage loans in Kentucky in violation of KRS 286.8-030, which prohibits a mortgage loan company from employing or using a loan originator who is not registered in accordance with KRS 286.8-255. Respondent neither admits nor denies the allegations.

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

- In this case, DFI proposed a fine against Respondent in the amount of fourteen thousand dollars (\$14,000.00) for utilizing unregistered loan originators to originate Kentucky loans, in violation of KRS 286.8-030.

- In the interest of economically and efficiently resolving the alleged violation (s) described herein, DFI and Respondent agree as follows:

- a. Respondent agrees to make a payment to DFI in the amount of fourteen thousand dollars (\$14,000.00) for the violation(s) described herein;

- b. Respondent agrees to and shall pay the fine assessed herein, which 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: Shaun Orme, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, in the following manner: (i) the first payment of two thousand dollars (\$2,000.00) shall be due on the date Respondent signs the Agreed Order and returns it to DFI. The remaining amount shall be paid in increments of two thousand dollars (\$2,000.00) each and shall be paid as stated below;

- c. The second installment payment shall be due thirty (30) days from the date the Agreed Order is executed by the Commissioner of DFI. The third installment payment shall be due sixty (60) days from the date the Agreed Order is

executed by the Commissioner of DFI. The fourth installment payment shall be due ninety (90) days from the date the Agreed Order is executed by the Commissioner of DFI. The fifth installment payment shall be due one hundred twenty (120) days from the date the Agreed Order is executed by the Commissioner of DFI. The sixth installment payment shall be due one hundred fifty (150) days from the date the Agreed Order is executed by the Commissioner of DFI. The seventh installment payment shall be due one hundred eighty (180) days from the date the Agreed Order is executed by the Commissioner of DFI.

d. 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.

7. The parties agree that this “Agreed Order” is being entered into for the sole purposes set forth in paragraph 6 above, and agree and acknowledge that no admissions have been made or can be construed from any provision herein or from payment of the fine or otherwise.

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 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, 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.

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

IT IS SO ORDERED on this the 30th day of JANUARY, 2011.




CHARLES A. VICE
COMMISSIONER

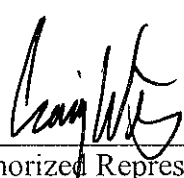
Consented to:

This 27th day of Jan, 2011.
2011.

This 27th day of Jan, 2012



Nicole S. Biddle, Director
Division of Non-Depository Institutions
Department of Financial Institutions



Authorized Representative
Mortgatoria, LLC

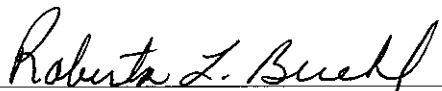
ACKNOWLEDGEMENT

STATE OF Ohio)
)
COUNTY OF Summit)

On this the 25 day of January, 2012 before me Craig Wise, the undersigned, owner, did personally appear and acknowledge themselves to be the owner of Mortgatoria, LLC and that they, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 3/25/2013

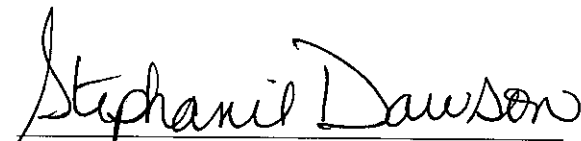


Notary Public

Certificate of Service

I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 30th day of January, 2011, by certified mail, return receipt requested, to the following: 12

Amanda Baird, Esq.
Baird Law Offices, LLC
21 West Broad Street, 8th Floor
Columbus, OH 43215


Stephanie Dawson
Department of Financial Institutions