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FEB 11 2020
8:25 AM
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2020-AH-0003

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

SOUTHWEST FUNDING, LP (MC22530)

RESPONDENT

* * * * *

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

2. Southwest Funding, LP (“Respondent”) is authorized to do business in Kentucky as a mortgage company licensee pursuant to KRS Chapter 286.8, with an office located at 13150 Coit Road, Suite 100, Dallas, Texas 75240. Respondent’s license number is MC22530. (ICIE# 391736)

3. DFI conducted an examination of Respondent on July 22, 2019. The examination revealed that Respondent used a mortgage loan originator to originate a Kentucky mortgage loan after the originator’s Kentucky registration had expired, in violation of KRS 286.8-030(1)(d).

4. The examination also revealed that Respondent failed to ensure that mortgage loan processors employed by Respondent met their continuing education requirements, in violation of KRS 286.8-255(9).

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

6. In this case, DFI assessed a civil penalty against Respondent in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) for violating KRS 286.8.

7. 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 Seven Thousand Five Hundred Dollars (\$7,500.00) for the violations described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of Seven Thousand Five Hundred Dollars (\$7,500.00). The payment 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, 500 Mero Street 2SW19, 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.

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, 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.

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

IT IS SO ORDERED on this the 10th day of February, 2020.

Walter R. Gibb for Charles
CHARLES A. VICE
COMMISSIONER C. Vice

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 11th day of February, 2020, by certified-mail, return receipt requested, to:

Yvette Dobbins
Southwest Funding, LP
13150 Coit Road, Suite 100
Dallas, Texas 75240

Via hand-delivery to:

Gary A. Stephens
Staff Attorney
Department of Financial Institutions
500 Mero Street 2SW19
Frankfort, Kentucky 40601

Kentucky Department of Financial Institutions

Name: Allison Reed / by Mary Johnson
Title: Executive Staff Assistant