

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2008-AH-278**

IN THE MATTER OF:  
SWAN FINANCIAL CORPORATION

**AGREED ORDER**

**BACKGROUND AND FACTUAL FINDINGS**

1. Swan Financial Corporation is licensed with the Department of Financial Institutions (“DFI”) as a mortgage loan broker whose principal office is located at 320 Whittington Parkway, Suite 304, Louisville, Kentucky 40222.

2. On July 23, 2008, an examination was conducted into the condition, workings, and affairs of this location in order to determine whether: (1) it was in compliance with applicable laws and regulations; (2) its practices and policies had an adverse impact on prospective borrowers; and (3) it was being operated efficiently, fairly, and in the public interest.

3. In the course of that examination, as well as during an examination of Taylor, Bean, and Whittaker Mortgage Corporation, it was discovered that Swan Financial Corporation violated KRS 286.8-030 and KRS 286.8-090 by employing or using two (2) unregistered individual to originate loans in Kentucky.

**AGREEMENT AND ORDER**

The Department of Financial Institutions and Swan Financial Corporation, in the interest of economically and efficiently resolving the violations described in the foregoing Background and Factual Findings, agree as follows:

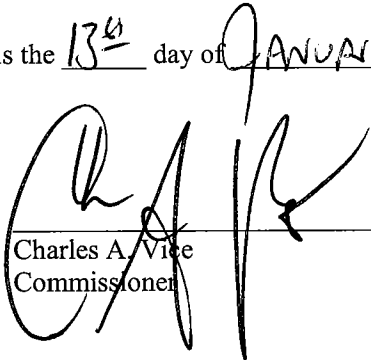
1. Swan Financial Corporation agrees to pay a fine in the amount of five thousand dollars (\$5,000) for the violations set forth above, which shall be in the form of

a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: Jessica Sharpe, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601 prior to the entry of this Order.

2. In regard to this matter, Swan Financial Corporation waives its right to demand a hearing, at which Swan Financial Corporation would be entitled to legal representation, to confront and cross examine witnesses for the Department of Financial Institutions, and to present evidence on its own behalf, or to otherwise appeal or set aside this Order. Further, Swan Financial Corporation consents to and acknowledges the jurisdiction of the Department of Financial Institutions over this matter and that this Agreement is a matter of public record and may be disseminated as such.

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


**IT IS SO ORDERED** on this the 13<sup>th</sup> day of JANUARY, 2009.


  
\_\_\_\_\_  
Charles A. Vice  
Commissioner

Consented to:

This 13 day of JAN, 2009

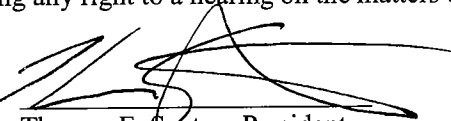
This 5 day of Jan, 2009

  
\_\_\_\_\_  
Norman C. Thompson, Branch Manager  
Division of Financial Institutions  
Department of Financial Institutions

  
\_\_\_\_\_  
Thomas E. Sexton, President  
Swan Financial Corporation

STATEMENT OF AUTHORIZATION

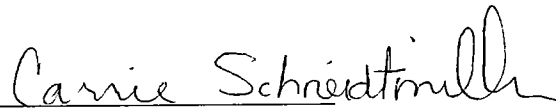
I, **Thomas E. Sexton**, state on behalf of Swan Financial Corporation, that I have read the foregoing Agreed Order; that I know and fully understand its contents; that I am an officer authorized to enter into and execute this Agreed Order on behalf of Swan Financial Corporation, that Swan Financial Corporation, agrees freely and without threat of coercion of any kind to comply with the terms and conditions stated herein; and that Swan Financial Corporation, voluntarily agrees to enter into this Agreed Order, expressly waiving any right to a hearing on the matters described herein.

By:   
Thomas E. Sexton, President  
Swan Financial Corporation

STATE OF Kentucky )  
 )  
COUNTY OF Jefferson )

On this the 5<sup>th</sup> day of January, 2008, before me Thomas E. Sexton the undersigned officer, **Thomas E. Sexton**, did personally appear and acknowledge himself to be a managing member of Swan Financial Corporation, and that he, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

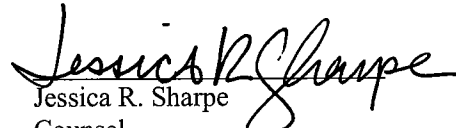
In witness whereof I hereunto set my hand.

  
Notary Public  
Date Commission Expires: 10/28/2009

**Certificate of Service**

I, Jessica R. Sharpe, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 14<sup>th</sup> day of Jan., 2019 by certified mail, return receipt requested, to the following:

Swan Financial Corporation  
ATTN: T. Edward Sexton  
320 Whittington Parkway, Suite 304  
Louisville, Kentucky 40222

  
Jessica R. Sharpe  
Counsel  
Department of Financial Institutions  
1025 Capital Center Drive  
Frankfort, Kentucky 40601  
(502) 573-3390