

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKING

IN THE MATTER OF:)
)
) No. 2008-MBR-68
LIBERTY MORTGAGE FUNDING)
ATTN: BG Phouthavong)
9300 Shelbyville Road, Suite 400)
Louisville, KY 40222)
License No. MB.6759170)

ORDER ASSESSING FINE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), having conducted a special examination related to activities conducted by Liberty Mortgage Funding, (the “Licensee”) and having documented violations of the Residential Mortgage License Act of 1987 (the “Act”) [205 ILCS 635] and the rules promulgated under the Act (the “Rules”) [38 Ill. Adm. Code 1050], hereby issues this ORDER pursuant to the authority provided under Section 4-5 (h)(5) of the Act. The Department makes the following:

FINDINGS

1. That Liberty Mortgage Funding, is an Illinois residential mortgage licensee holding license No. MB.6759170 and located at 19300 Shelbyville Road, Suite 400, Louisville, Kentucky, 40222;
2. That the Department conducted a special examination of Licensee at Licensee’s office and observed and/or found documentation, including but not limited to loan logs, interviewer signatures on consumer mortgage loan applications, payroll and other records, that unregistered individuals had performed and/or were continuing to perform loan originator activities as defined in Section 1-4(hh) of the Act, said individuals identified as follows:

MATTHEW ANSERT
DAVID P SETTERS
SCOTT LAYMAN

3. Names of registered loan originator employees substituted for unregistered loan originator employees on loan logs and loan application:

**MATTHEW PHILPOT
KIMBERLY PIERCE**

4. That the Department mailed to Licensee a letter of potential disciplinary action on May 13, 2008 and that Licensee failed to provide a sufficient response to the Department documenting that the named loan originators were properly registered at all times with the Department as required by the Act and Rules.

CONCLUSIONS

BASED UPON THE ABOVE FINDINGS, THE DEPARTMENT IS OF THE OPINION AND CONCLUDES:

That notwithstanding notices and other efforts by the Department, Licensee knowingly hired or employed one or more loan originators who were not properly registered at all times with the Department in violation of Sections 2-4(x) and 7-1 of the Act and Section 1050.2110 et seq. of the Rules.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

1. That Liberty Mortgage Funding, License No. MB.6759170, shall be and hereby is assessed a fine of \$2,500 for an initial unregistered loan originator; and \$500 for each additional unregistered loan originator for a fine in the amount of \$4,500;
2. The total fine in the amount of \$4,500 shall be due thirty (30) days after the effective date of this Order upon Liberty Mortgage Funding, and
3. The fee in the amount of \$4,500 shall be paid by means of a certified check or money order made payable to the:

**Department of Financial and Professional Regulation
Division of Banking
ATTN: FISCAL DIVISION, 2ND FLOOR
320 W. Washington Street
Springfield, IL 62786**

ORDERED THIS 26TH DAY OF JUNE, 2008

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DEAN MARTINEZ, SECRETARY

DIVISION OF BANKING
JORGE A. SOLIS, DIRECTOR

REYNOLD M. BENJAMIN
Assistant Director, Division of Banking

You are hereby notified that this Order is an administrative decision. Pursuant to 205 ILCS 635/4-12 and 38 Ill. Adm. Code, 1050.1510 *et seq.* any party may file a request for a hearing on an administrative decision. The request for a hearing shall be filed within 10 days after the receipt of an administrative decision. A hearing shall be held within 30 days after the receipt by the Department of Financial and Professional Regulation, Division of Banking of a request for a hearing. Absent a request for a hearing, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*].