

STATE OF ARKANSAS
SECURITIES DEPARTMENT

**IN THE MATTER OF
KEVIN KENNA GILL**

ORDER NO. C-07-030-07-OR01
RESPONDENT

ORDER DENYING APPLICATION OF LICENSE

On this date before the Arkansas Securities Commissioner (hereinafter referred to as the “Commissioner”) is the matter of KEVIN KENNA GILL (hereinafter referred to as “GILL”), and the issue of his compliance with the Arkansas Fair Mortgage Lending Act (hereinafter referred to as the “Act”). Based upon the records on file with the Commissioner, the investigation and the representations of Arkansas Securities Department Staff (hereinafter referred to as the “Staff”), the Commissioner finds:

AUTHORITY

1. This proceeding is instituted pursuant to the Act, codified at Ark. Code Ann. §§ 23-39-501, *et seq.*, the Rules of the Arkansas Securities Commissioner promulgated thereunder (“Rules”), and the Arkansas Administrative Procedure Act, codified at Ark. Code Ann. §§ 25-15-201, *et seq.*

JURISDICTION

2. Gill has applied for an Arkansas loan officer license under the Act.

FINDINGS OF FACTS

3. Gill filed FMLA Form 014 Application (“Application”) for Managing Principal, Branch Manager or Loan Officer to obtain an Arkansas loan officer license with the Arkansas Securities Department (“Department”) on October 24, 2006.

4. On page 3 of the application, Gill confirmed that he reviewed the application and that he would comply with the provisions of the Act.

5. Gill signed the application on September 6, 2006. The notary public states the application was subscribed and sworn on September 14, 2006.

6. According to the records on file with the Department, Gill had attempted to close a stated income loan in early 2006 using falsified employment and financial information for an unemployed borrower. Gill wrote, signed and emailed confirmation to the borrower stating she would not held liable for any information contained in the loan application when she expressed concern about the misrepresentations. Loan was denied due to Gill’s misrepresentations.

RELEVANT ARKANSAS STATUTES AND RULES

7. Ark. Code Ann. § 23-39-513 (1), (7), (11), and (12) prohibits mortgage brokers, mortgage bankers, or loan officers licensed in Arkansas in the course of any mortgage loan transaction or activity: (1) to misrepresent or conceal any material fact or to pursue a course of misrepresentation through agents or otherwise; (2) in connection with the brokering, making, purchase or sale of any mortgage loan, to engage in any transaction, practice, or course of business that is not in good faith or fair dealing, that is misleading or deceptive, or that constitutes a fraud upon any person; (3) to broker or

make a mortgage loan in violation of any federal law; and (4) to engage in practices that are dishonest or unethical in the mortgage industry.

8. Ark. Code Ann. § 23-39-514 (a) (2) (B) and (H) allows the Commissioner to by order, refuse to issue a license to an applicant, if the Commissioner finds that any of the following circumstances apply to the applicant: the person has violated or failed to comply with any provision of this Act or Order of the Commissioner issued under the Act or if the person does not meet the qualifications or the financial responsibility, character, or general fitness requirements under § 23-39-505 or any bond or net worth requirements under the Act.

CONCLUSIONS OF LAW

9. This matter has been properly brought before the Commissioner and is in the public interest.

10. Gill misrepresented and concealed material facts to pursue a course of misrepresentation through agents or otherwise in an effort to obtain a mortgage loan by attempting to close a stated income mortgage loan in early 2006 using falsified employment and financial information for an unemployed borrower.

11. Gill wrote, signed and emailed confirmation to the borrower stating she would not held liable for any information contained in the loan application when she expressed concern about the misrepresentations according to the information on file. The mortgage loan was subsequently denied due to Gill's misrepresentations.

12. Gill, in connection with the brokering, making, purchase or sale of a mortgage loan, engaged or attempted to engage in a mortgage loan transaction or practice

that was not in good faith or fair dealing, that was misleading or deceptive, or that constitutes a fraud upon a person by attempting to close a stated income loan in early 2006 when he submitted false loan documentation, specifically using falsified employment and financial information for an unemployed borrower.

13. According to the records on file with the Department, Gill wrote, signed and emailed confirmation to the borrower stating she would not held liable for any information contained in the loan application when the misrepresentations were brought to his attention and she expressed concern. Loan was denied due to Gill's misrepresentations.

14. Gill attempted to broker or make a mortgage loan in violation of a federal law by attempting to close a stated income loan in early 2006 using falsified employment and financial information for an unemployed borrower and submitting false documentation in an effort to obtain a mortgage loan and receive a commission. The mortgage loan was subsequently denied due to Gill's misrepresentations.

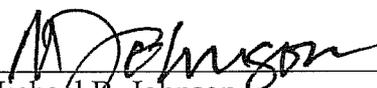
15. Gill engaged in practices that were dishonest or unethical in the mortgage industry by attempting to close a fraudulent income loan in early 2006 using falsified employment and financial information for an unemployed borrower. When the incorrect information was brought to his attention by the borrower, Gill wrote, signed and emailed confirmation to the borrower stating she would not held liable for any information contained in the loan application according to information contained on file with the Department. The mortgage loan was denied due to Gill's misrepresentations.

ORDER

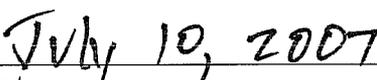
IT IS HEREBY ORDERED that the loan officer application of KEVIN KENNA GILL is hereby DENIED. GILL is not authorized to transact the any mortgage loan business or operate as a loan officer for a mortgage banker or mortgage broker, or otherwise engaging in mortgage loan or loan brokering activities in the State of Arkansas.

Respondent may request a hearing before the Commissioner. Any request for a hearing must be made in writing within thirty (30) days from the date on which notice of the order is sent by the Commissioner to the address of the licensee on file with the Commissioner by first class mail, postage prepaid. If a licensee does not request a hearing and the Commissioner does not order a hearing, the order will remain in effect until it is modified or vacated by the Commissioner.

IT IS SO ORDERED:



Michael B. Johnson
Arkansas Securities Commissioner



Date