

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING AND SECURITIES

In the matter of:)
Adam J. Heafner) ORDER NO: 18-134-C
NMLS #AK206051) ORDER IMPOSING CIVIL PENALTIES
AND
Respondent.) CONSENT TO ORDER

The Department of Commerce, Community, and Economic Development, Division of Banking and Securities (“Department”) has conducted an examination of the business activities of Adam J. Heafner (“Respondent”) and has determined that Respondent violated certain provisions of AS 06.60 *et seq.* (the Alaska Secure and Fair Enforcement for Mortgage Licensing Act of 2010 – the “Alaska SAFE Act”).

Respondent agrees that the Department has jurisdiction over the Respondent and this matter pursuant to the Alaska SAFE Act.

Respondent wishes to resolve and settle this matter with the Department. As evidenced by the authorized signature on this Order, Respondent consents to the entry of this Order imposing civil penalties based on the Conclusions of Law and Order. Respondent waives his right to hearing under AS 44.62 *et seq.* (the Alaska Administrative Procedure Act) and the Alaska SAFE Act.

I. FACTS

1. First Rate Financial, LLC (“First Rate”) is an Alaska limited liability company, entity number 95447, with its principal place of business located at 3030 Denali Street #9,

1 Anchorage, Alaska 99503. On February 27, 2009, the Department issued an Alaska Mortgage
2 Broker/Lender license to First Rate. The unique identifier assigned to First Rate by the
3 Nationwide Multistate Licensing System & Registry (NMLS) is AK184451. The unique
4 identifier assigned to Respondent by the NMLS is 206051. The Department issued Mortgage
5 Loan Originator (MLO) number AK206051 to Respondent on February 27, 2009.

6 2. On March 10, 2014, the Department conducted an examination (“First Examination”) of
7 First Rate and its MLOs. At the time of the First Examination, Respondent was an MLO who
8 was sponsored by First Rate.

9 3. During the First Examination, the Department conducted an advertising and loan file
10 review. The Department found that Respondent maintained three on-line advertisements that
11 did not display either his or First Rate’s unique identifier.

12 4. On January 2, 2018, the Department conducted a second examination (“Second
13 Examination”) of First Rate and its MLOs. At the time of the Second Examination, Respondent
14 was an MLO who was sponsored by First Rate. During the Second Examination, the
15 Department found that Respondent maintained seven on-line advertisements that did not
16 display either his or First Rate’s unique identifier.

17 5. A person operating as an MLO must clearly and conspicuously display the unique
18 identifier assigned to the person by the NMLS on all advertisements, including websites.

19 **II. CONCLUSIONS OF LAW**

20 1. Respondent violated AS 06.60.325 and 3 AAC 14.510(2) by failing to clearly and
21 conspicuously display his unique identifier in the seven on-line advertisements found during
22 the Second Examination.

23 2. Respondent is subject to a civil penalty under AS 06.60.420 for violating AS
24 06.60.325 and 3 AAC 14.510(2).

1 **III. ORDER**

2 Pursuant to the Alaska SAFE Act and on the basis of the Findings of Fact,
3 Conclusions of Law, and Respondents' consent to the entry of this Order, the Department

4 ORDERS Respondent to:

5 1. Pay a civil penalty of \$3,500. This amount was calculated at \$500 per violation for the
6 seven advertisements found during the Second Examination that did not clearly and
7 conspicuously display either Respondent's or First Rate's unique identifier.

8 2. Comply with all provisions of the Alaska SAFE Act and associated regulations. This
9 Order is a publicly disclosable document and is reportable to the NMLS.

10 **IT IS SO ORDERED.**

11 Julie Anderson, Commissioner
12 Department of Commerce, Community
13 and Economic Development

14 2/22/2019

15 Date

/s/ Patrice Walsh

16 Patrice Walsh, Director
17 Division of Banking and Securities

1 **Consent to Entry of Order**

2 **Adam J. Heafner**

3 I, Adam J. Heafner, hereby acknowledge that I have read the foregoing Consent
4 Order, I am aware of the right to a hearing and appeal in this matter, and have waived the
5 same.

6 I admit to the jurisdiction of the Department of Commerce, Community and
7 Economic Development, Division of Banking and Securities (“Department”) and further
8 consent to entry of this Order by the Department as settlement of the issues contained in this
9 Order. I admit to violation of the Alaska SAFE Act.

10 I understand that the Department reserves the right to take further actions to enforce
11 this Order or to take appropriate action upon discovery of other violations of the Alaska
12 SAFE Act, and that I will fully comply with the terms and conditions of this Order, the
13 Alaska SAFE Act and associated regulations.

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1 I enter into this Order voluntarily and understand that this Order is a public document
2 and is reportable to the NMLS.

3 2/13/19 /s/ Adam J. Heafner
4 Date Adam J. Heafner

5 SUBSCRIBED AND SWORN TO before me this 13th day of February, 2019 at
6 Anchorage, Alaska. /s/Shana Ackles

7 Notary Public in and for Alaska

8 Shana Ackles

9 Notary Printed Name

My commission expires: 3/5/22

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11 Contact Person:
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