

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

4 In the matter of:)
5 SHELTON BARBER) ORDER NO: C5000-10-013-C
6) FINAL ORDER TO CEASE AND DESIST
7 Respondent.) IMPOSING A CIVIL PENALTY
8)

9 The Director of the Department of Commerce, Community, and Economic
10 Development, Division of Banking and Securities (“Department”), has conducted an
11 investigation into the conduct of Shelton Barber (“Barber”) and has determined that Mr.
12 Barber violated certain provisions of AS 06.60¹ et seq. (“the Alaska Mortgage Lending
13 Regulation Act”).

14 **I. BACKGROUND**

15 1. On August 25, 2010, the Department entered into a Consent Order (Order No.
16 C5000-10-003) with Mr. Barber that imposed a civil penalty of sixty-three thousand five
17 hundred dollars (\$63,500.00), with thirty-one thousand seven hundred fifty dollars
18 (\$31,750.00) suspended.

19 2. Upon further investigation and consideration of the record, the Department
20 determined that the civil penalty imposed on Mr. Barber in 2010 was not appropriate
21 and therefore should be vacated and replaced with a Notice of Intent to Issue Order to Cease
22 and Desist and Imposing a Civil Penalty and Notice of Final Order (“Notice of Intent”).

23 _____
24 ¹ All state statutory citations refer to the 2008 version of the Alaska Mortgage Lending Regulation Act, which was in effect at the time of the conduct described in the Facts.

1 mortgage loans at First Rate without an originator license for which he received
2 compensation.

3 **III. CONCLUSIONS OF LAW**

4 1. From March 1, 2009 to May 28, 2010, Mr. Barber operated as an “originator” as that
5 term was defined in AS 06.60.990(21).

6 2. From March 1, 2009 to May 28, 2010, Mr. Barber worked as an originator at First
7 Rate without an originator license in violation of AS 06.60.010(b).

8 3. From April 21, 2009 to February 26, 2010, Mr. Barber originated and was
9 compensated for at least 10 mortgage loans at First Rate without an originator license in
10 violation of AS 06.60.010(b).

11 4. Pursuant to AS 06.60.420, Mr. Barber is subject to a civil penalty because he violated
12 AS 06.60.010(b).

13 **IV. ORDER**

14 The Department, pursuant to AS 06.60.400(a), hereby issues this final order directing Mr.
15 Barber to:

16 1. CEASE AND DESIST from originating mortgage loans without an originator
17 license.

18 2. Pay a civil penalty in the amount of five hundred dollars (\$500.00).²

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24 ² Mr. Barber paid five hundred dollars (\$500.00) to the Division on October 26, 2010.

