

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

4)
5 In the matter of:) ORDER NO: 17-227-C
6 Academy Mortgage Corporation) ORDER IMPOSING CIVIL PENALTIES
7 NMLS #3113) AND
8 Respondent.) CONSENT TO ORDER
9 _____)

10 The Department of Commerce, Community, and Economic Development, Division of
11 Banking and Securities (“Department”) has conducted an examination of the business
12 operations of Academy Mortgage Corporation (“Respondent”) and has determined that the
13 Respondent violated certain provisions of AS 06.60 *et seq.* (the Alaska Secure and Fair
14 Enforcement for Mortgage Licensing Act of 2010 – the “Alaska SAFE Act”).

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

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

22 **I. FACTS**

23 1. Respondent is a corporation (filing no. 87-0456373) organized under the laws of the
24 State of Utah, and has a physical address of 339 West 134990, South Draper, Utah 84020.

1 2. On March 12, 2009, the Department issued an Alaska Mortgage Broker/Lender license
2 (no. AK3113) to Respondent. Respondent's unique identifier, assigned by the Nationwide
3 Mortgage Licensing System and Registry (NMLS) is 3113.

4 3. On September 6, 2013, the Department participated in a Multi-State Mortgage
5 Committee examination of Respondent, during which the Department conducted an
6 advertising and loan file review. The Department found that Respondent maintained nine on-
7 line advertisements that did not display Respondent's unique identifier. The Department also
8 found that several MLOs employed by Respondent maintained a total of seven on-line
9 advertisements that did not display the MLOs' unique identifiers. The violations were noted on
10 the Multi-State exam report.

11 4. On January 23, 2017, the Department conducted a routine examination of Respondent at
12 one of its Anchorage, Alaska branches. The Department found that Respondent maintained
13 seven on-line advertisements that did not display Respondent's unique identifier. The
14 Department also found that several MLOs employed by Respondent maintained a total of six
15 on-line advertisements that did not display the MLOs' unique identifiers.

16 II. CONCLUSIONS OF LAW

17 1. AS 06.60.325 and 3 AAC 14.510 require licensees to display their NMLS unique
18 identifiers in all advertisement materials except for radio and television advertisements.
19 Respondent violated these provisions by maintaining advertisements that did not clearly and
20 conspicuously display Respondent's unique identifier.

21 2. Under AS 06.60.159, mortgage licensees are liable for the conduct of a person acting as
22 a MLO if the licensee knows or should have known that the person violated the Alaska SAFE
23 Act and the person is employed or under contract with the mortgage licensee to act as an MLO.
24 Respondent violated AS 06.60.159(b) by allowing MLOs employed by Respondent to

1 maintain advertisements that did not clearly and conspicuously display the MLOs' unique
2 identifiers.

3 3. Respondent is subject to a civil penalty under AS 06.60.420 for violating AS
4 06.60.325, AS 06.60.159(b), and 3 AAC 14.510(2).

5 **III. ORDER**

6 Pursuant to the Alaska SAFE Act and on the basis of the Findings of Fact, Conclusions
7 of Law, and Respondent's consent to the entry of this Order, the Department ORDERS

8 Respondent to:

9 1. Pay a civil penalty in the amount of \$6,500. This amount was calculated at \$500 for
10 each of the seven on-line advertisements maintained by Respondent that did not clearly and
11 conspicuously display the Respondent's unique identifier and each of the six on-line
12 advertisements maintained by the MLOs employed by Respondent that did not clearly and
13 conspicuously display the MLOs' unique identifiers, found during the examination on January
14 23, 2017.

15 2. Comply with all provision of the Alaska SAFE Act, including associated regulations.

16 This Order is a publicly disclosable document and is reportable to the NMLS.

17 **IT IS SO ORDERED.**

18 Chris Hladick, Commissioner
19 Department of Commerce, Community
20 and Economic Development

21 September 28, 2017
22 Date

23 /s/ Kevin Anselm
24 Kevin Anselm, Director
Division of Banking and
Securities

**Consent to Entry of Order
Academy Mortgage Corporation**

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2
3 I, Mike Huber, state that I am the General Counsel of
4 Academy Mortgage Corporation. (“Respondent”); that I am authorized to act on its behalf;
5 that I have read the foregoing Order; and that I am aware of the right to a hearing and appeal
6 in this matter, and have waived the same.

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

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

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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING AND SECURITIES
550 WEST SEVENTH AVENUE, SUITE 1850
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-8140

1 Respondent enters into this Order voluntarily and understands that this Order is a
2 public document and is reportable to the NMLS.

3 September 26, 2017
4 Date

/s/ Mike Huber
Academy Mortgage Corporation

5 By: Mike Huber
6 Title: General Counsel

7 SUBSCRIBED AND SWORN TO before me this 26 day of September, 2017 at
8 Draper, Utah.

Notary Public in and for Utah Salt Lake

9 /s/ Erin L Fabela
10 Notary Printed Name Erin Lynll Fabela
11 My commission expires: May 13, 2020

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13 Contact Person:
14 R. Dean Fleer
15 Financial Examiner III
16 (907) 269-0096

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