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

In the matter of:)
KATHY J. FERNANDEZ) **ORDER NO: 14-1312-C**
Respondent.) **ORDER IMPOSING A CIVIL PENALTY**
) **AND**
) **CONSENT TO ORDER**

The Director of the Department of Commerce, Community, and Economic Development, Division of Banking and Securities (“Department”), has conducted an investigation into the conduct of Kathy J. Fernandez (“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 Respondent and these matters 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 assessing a civil penalty based on the Conclusions of Law and Order. Respondent waives her right to a hearing under AS 44.62 et seq. (the Alaska Administrative Procedure Act) and the Alaska SAFE Act.

I. FINDINGS OF FACT

1. Respondent is a resident of Anchorage, Alaska.
2. Respondent has an active real estate associate broker license (license no. RECA12196) in Alaska and has been licensed since 1989.

1 3. As a real estate agent, Respondent earns commissions from the sale of real estate.

2 4. From January 2012 to May 2014, Respondent wrote “Call Kathy J. for your quote!”
3 in the HUD184 loan type section and “Call Kathy today to learn your buying power!!” under
4 the Daily Interest Rate Alert chart on her website (www.kathyjfernandez.com), Facebook
5 page, and in 128 newsletters distributed to approximately 465 individuals, who were current
6 and prospective clients.

7 5. Respondent has never been licensed as a mortgage broker or mortgage loan originator
8 in Alaska.

9 II. CONCLUSIONS OF LAW

10 1. Respondent operated as a “mortgage broker” in Alaska as that term is defined in
11 AS 06.60.990(18) by offering to assist potential borrowers to obtain financing for mortgage
12 loans with the expectation of compensation or gain.

13 2. Respondent operated as “mortgage loan originator” in Alaska as that term is defined
14 in AS 06.60.990(23) by offering to negotiate terms of mortgage loans with the expectation of
15 compensation or gain.

16 3. From January 2012 to May 2014, Respondent violated AS 06.60.010(a) by operating
17 as a mortgage broker in Alaska without a license.

18 4. From January 2012 to May 2014, Respondent violated AS 06.60.012(a) by operating
19 as a mortgage loan originator in Alaska without a license.

20 5. Respondent is subject to a civil penalty under AS 06.60.420(a) because she violated
21 AS 06.60.010(a) and AS 06.60.012(a).

22 III. ORDER

23 Pursuant to the Alaska SAFE Act, and on the basis of its Findings of Fact and
24 Conclusions of Law, the Department ORDERS Respondent to:

- 1 1. Comply with all provisions of the Alaska SAFE Act.
- 2 2. Pay a civil penalty in the amount of one thousand dollars (\$1,000).

3 This Order is a publicly disclosable document.

4 **IT IS SO ORDERED.**

5 Chris Hladick, Commissioner
6 Department of Commerce, Community,
and Economic Development

7 October 12, 2016
8 Date

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

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16 **Consent to Entry of Order**

17 I, Kathy J. Fernandez, hereby acknowledge that I have read the foregoing Order; and
18 that I am aware of the right to a hearing and appeal in this matter, and have waived the same.

19 I admit the jurisdiction of the Department of Commerce, Community and Economic
20 Development, Division of Banking and Securities (“Department”) and further consent to
21 entry of this Order by the Department as settlement of the issues contained in this Order,
22 without admitting or denying the findings of fact and conclusions of law.

23 I understand that the Department reserves the right to take further actions to enforce
24 this Order or to take appropriate action upon discovery of other violations of the Alaska

1 SAFE Act; and that I will fully comply with the terms and conditions of this Order, the
2 Alaska SAFE Act and associated regulations.

3 I enter into this Order voluntarily and understand that this Order is a publicly
4 disclosable document.

5
6 10/12/16 _____ /s/ Kathy J. Fernandez _____
Date Kathy J. Fernandez

7
8 SUBSCRIBED AND SWORN TO before me this 12th day of October, 2016 at
9
10 Anchorage _____, Alaska _____.

11 _____ /s/ Peter Sandberg _____
Notary Public in and for _____

12
13 State of Alaska _____
Notary Printed Name
My commission expires: 2/3/17 _____

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15 Contact Person:
16 Tracy Reno
17 Financial Institutional Examiner III
(907) 269-8112

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