

The State of Alabama  
State Banking Department

MAR 4 2010

IN THE MATTER OF )  
 )  
OAK MOUNTAIN MORTGAGE, L.L.C. ) Case # MB-2009-11  
 )

**CONSENT ORDER**

On August 27, 2009, the Undersigned conducted an Administrative Hearing pursuant to Code of Alabama, § 5-25-14 to determine whether the Mortgage Brokers Licensing Act license of Oak Mountain Mortgage L.L.C. should be revoked. Present at the hearing were the owner of Oak Mountain Mortgage, L.L.C., Ms. Barbara E. Jones, along with Mr. Jeremy Windham, Loan Examinations Coordinator, State Banking Department, and Mr. W. Mark Anderson III, Assistant General Counsel for the State Banking Department.

During the Administrative Hearing, Oak Mountain Mortgage, L.L.C. was presented with the findings of an examination conducted by the State Banking Department on February 9, 2009 as well as a follow-up investigation after the examination. As a result of the examination, the Department determined that the licensee had records, including a HUD Settlement Statement that appeared to contain erroneous or false information related to a loan. The loan was not closed; however, after follow-up with the lender listed on the document, it was determined that the information on the HUD Settlement Statement reviewed during the examination did not match the documents provided to the lender. The HUD Settlement Statement also indicated that it was prepared by a loan originator on behalf of 1<sup>st</sup> Continental Mortgage at the same

address of Oak Mountain Mortgage, L.L.C. The borrower listed on the HUD Settlement Statement was contacted by the Department and denied any knowledge of this loan. During the Administrative Hearing, Ms. Jones indicated that the application related to this loan was actually prepared by a loan originator who is no longer employed by the licensee.

The Department also determined that Oak Mountain Mortgage, L.L.C. had records related to another loan where significant discrepancies were noted by the examiner. Specifically, a loan file contained documentation that an over-statement of income was included in a mortgage loan application submitted to a lender. Ms. Jones indicated that the loan file in question was also prepared by the same loan originator that is no longer employed by the licensee.

During the Administrative Hearing it was also determined that an employee of the licensee, who was previously listed as a loan originator with Oak Mountain Mortgage, L.L.C. and as an employee of 1<sup>st</sup> Continental Mortgage according to the records obtained during the exam has a criminal record in the State of Mississippi.

Based upon the evidence presented at this hearing, the Undersigned is of the opinion that the licensee has taken certain corrective actions and that its license should not be revoked. Therefore, the parties having agreed upon the terms incorporated herein, it is ORDERED as follows:


1. That the Mortgage Brokers Licensing Act license of Oak Mountain Mortgage, L.L.C. should not be revoked.
2. That Ms. Jones, as principal owner of Oak Mountain Mortgage, L.L.C. shall perform a review of all records related to the loan originator on the loans

reviewed and noted above to determine if any other discrepancies are noted.

Should other files reveal similar problems, the licensee must take all necessary corrective actions, including notification of such findings to the lenders noted on those loans.

3. That the licensee shall take appropriate measures to properly supervise all employees of Oak Mountain Mortgage, L.L.C.
4. That no employee of the licensee, with a previous criminal record, shall perform any duties related to that of a mortgage loan originator on behalf of Oak Mountain Mortgage, L.L.C. or any other company operating as a mortgage lender or broker until such activity is approved, in writing, by the State Banking Department.
5. That no other activities will be conducted at the licensed location nor shall any other company operate at the licensed location of Oak Mountain Mortgage, L.L.C. without the specific approval of the State Banking Department.
6. That repeat violations or failure to comply with the provisions of this ORDER shall constitute grounds for revocation.
7. That there shall be a civil penalty of \$500.00
8. This ORDER shall be a matter of public record.

Issued at Montgomery, Alabama, this 5<sup>th</sup> day of ~~February~~<sup>MARCH</sup>, 2010.

  
Scott Corscadden  
Supervisor, Bureau of Loans

Signatures of Department Counsel and Oak Mountain Mortgage, L.L.C. Principal Owner are on the following page.

This ORDER contains the Agreement of the Parties.



W. Mark Anderson III  
Assistant General Counsel  
Attorney for Bureau of Loans



Barbara E. Jones  
Principal Owner  
Oak Mountain Mortgage, L.L.C.