

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE
SECURITIES DIVISION

FILED
APR 29 2010

IN THE MATTER OF:

LIBERTY MORTGAGE, INC.

Respondent.

)
)
)
)

Cause No. 10- 0078 CA

CONSENT AGREEMENT

The Office of the Indiana Secretary of State, Securities Division (“Division”) and Respondent Liberty Mortgage, Inc, agree and stipulate that:

1. Respondent is a licensed loan broker with the Division, registration number 132477.
2. The Division has jurisdiction over this matter.
3. On 3/24/10 Bill Cady of the Division examined Respondent’s place of business and discovered the following violations of the Indiana Loan Broker Act, I.C. 23-2-5:

Respondent charged a flat fee of \$60 for a credit report as evident by the HUD 1 Settlement Statement for the following loans: Randy, Szczechowski, Stephen Shearer, Joseph Slade, and Kevin Slater. However, the Szczechowski credit report only cost \$31.50, the Shearer credit report only cost \$41.25, the Slade credit report only cost \$26.50, and the Slater credit report only cost \$16.75. The actual cost of the credit report is evident by the invoices from the credit reporting agency. By charging a borrower more than the actual cost of the credit report, Respondent has violated 710 IAC 1-22-6.

4. In order to amicably resolve this matter and avoid the expense, inconvenience and uncertainty of further administrative proceedings, the parties agree as follows:
 - A. Respondent waives their right to a hearing pursuant to I.C. 23-2-5-10(b);
 - B. Respondent waives their right to an appeal pursuant to I.C. 23-2-5-22;
 - C. Respondent shall pay a civil penalty in the amount of \$900. The check shall be made out to the Indiana Secretary of State, Securities Division.
 - D. Respondent agrees not to violate the provisions of I.C. 23-2-5 in the future.

- E. Respondent shall provide restitution to the victims as follows: A) Randy Szczechowski in the amount of \$28.50, B) Stephen Shearer in the amount of \$18.75, C) Joseph Slade in the amount of \$33.50, and D) Kevin Slater in the amount of \$43.25.
- F. Respondent shall provide proof of restitution payment to Division Attorney Matthew E. Dumas.
5. The failure of Respondent to adhere to the terms of this Consent Agreement shall constitute grounds for administrative action by the Division against Respondent.
 6. This Consent Agreement is executed in the public interest to avoid the necessity and burden of a public hearing. It does not constitute a finding or determination against Respondent of any violation of the Act or the rules and regulations promulgated thereunder. Nor does it constitute abandonment of the claims raised by the Division. The entry of this Consent Agreement merely reflects the parties' mutual desire to resolve this matter without the burden and expense of formal administrative proceedings. However, this agreement may be used to show repetitive conduct should Respondent commit future violations of the Act.
 7. The parties to this Consent Agreement agree that all the terms of the Agreement are contractual and that none is a mere recital.
 8. This Consent Agreement may be executed in multiple counterparts, each of which shall be considered binding on all parties.
 9. Payment of all amounts due the Division as provided herein shall be tendered to the Division with an executed copy of this Agreement.
 10. This Consent Agreement is expressly subject to the approval of the Securities Commissioner and should the Commissioner fail or refuse, for any reason, to approve this Agreement, the

same shall be of no force or effect, and it shall not be admissible into evidence nor referred to any hearing held in connection with the matters referred to herein.

11. Respondent will not make, and will not permit any agent or attorney to make, any statement contrary to those contained in this Consent Agreement.

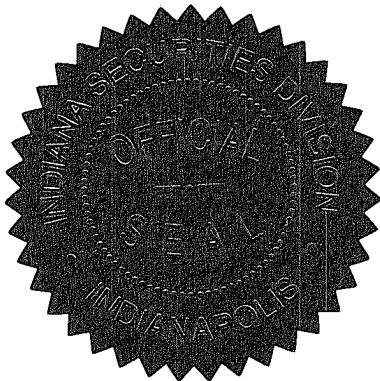
LIBERTY MORTGAGE, INC

By: Andrew Craft
Printed: ANDREW CRAFT
Title: OWNER
Date: 4/26/10

INDIANA SECRETARY OF STATE
SECURITIES DIVISION

By: Matthew E Dumas
Matthew E. Dumas, #24596-49
Enforcement Attorney
Date: 4-29-10

APPROVED and ORDERED at Indianapolis Indiana this 29TH day of APRIL, 2010.



TODD ROKITA
INDIANA SECRETARY OF STATE

Chris Naylor
CHRIS NAYLOR
SECURITIES COMMISSIONER