

1 March 19, 2010, the Department issued an Alaska Mortgage Broker/Lender license to
2 Respondent. Respondent's unique identifier assigned to it by the Nationwide Multistate
3 Licensing System & Registry (NMLS) is AK3094.

4 2. A mortgage licensee is liable for the conduct of a person acting as a Mortgage Loan
5 Originator (MLO) if the mortgage licensee knows or should have known that the MLO's
6 conduct violates the Alaska SAFE Act and the MLO is employed by the mortgage licensee to
7 act as an MLO.

8 3. A person operating as an MLO must clearly and conspicuously display the unique
9 identifier assigned to the person, as well as the unique identifier assigned to the mortgage
10 licensee that employs the MLO, on all advertisements, including websites.

11 4. In October 2014, the Department conducted an examination (the "First Examination") of
12 Respondent's mortgage origination activities, which included an advertising review and a loan
13 file review. The Department found that Respondent maintained twelve advertisements that did
14 not display the Respondent's unique identifier. The Department also found that David White,
15 who was an MLO employed and sponsored by Respondent at the time of the First
16 Examination, maintained a total of three advertisements that did not display his unique
17 identifier.

18 5. In November 2018, the Department conducted an examination (the "Second
19 Examination") of Respondent and its sponsored MLOs, which included an advertising review
20 and a loan file review. The Department found that Respondent maintained four on-line
21 advertisements that did not display Respondent's unique identifier. The Department also found
22 that David White, Kelli White and Amber Gauthier, who were MLOs employed by
23 Respondent at the time of the Second Examination, maintained a total of six on-line
24 advertisements that did not display Respondent's unique identifier or the unique identifiers of

1 MLOs White, White, or Gauthier.

2 **II. CONCLUSIONS OF LAW**

3 1. Respondent violated AS 06.60.325 and 3 AAC 14.510(2) by failing to clearly and
4 conspicuously display its unique identifier in its advertisements.

5 2. Respondent violated AS 06.60.159(b) by allowing MLOs employed by Respondent to
6 maintain advertisements that did not clearly and conspicuously display Respondent's or its
7 MLOs' unique identifiers.

8 3. Respondent violated 3 AAC 14.415(a) and (b) by failing to supervise, monitor, and
9 review the activities of persons operating as MLOs.

10 4. Respondent is subject to a civil penalty under AS 06.60.420 for violating AS
11 06.60.325, AS 06.60.159(b), 3 AAC 14.415(a) and (b) and 3 AAC 14.510(2).

12 **III. ORDER**

13 Pursuant to the Alaska SAFE Act and on the basis of the Findings of Fact,
14 Conclusions of Law, and Respondents' consent to the entry of this Order, the Department
15 ORDERS Respondent to:

16 1. Pay a civil penalty in the amount of \$5,000. This amount was calculated at \$500 for
17 each of the four advertisements found during the Second Examination that did not clearly
18 and conspicuously display the Respondent's unique identifier and \$500 for each of the six
19 advertisements found during the Second Examination that did not clearly and conspicuously
20 display Respondent's or its MLOs' unique identifiers.

21 2. Comply with all provisions of the Alaska SAFE Act, including associated regulations.

22 //

23 //

24 //

1 This Order shall be publicly disclosed and is reportable to the NMLS.

2 **IT IS SO ORDERED.**

3

4

Julie Anderson, Commissioner
Department of Commerce, Community
and Economic Development

5

6

7/12/2019

/s/ Patrice Walsh

7

Date

Patrice Walsh, Director

Division of Banking and Securities

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 **Consent to Entry of Order**

2 **Primary Residential Mortgage, Inc.**

3 I, H. Burton Embry, state that I am the EVP & CEO of
4 Primary Residential Mortgage, Inc. (“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.

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

7/10/2019
Date

/s/ H. Burton Embry
Primary Residential Mortgage, Inc.

By: H. Burton Embry
Title: Executive Vice President & CEO

SUBSCRIBED AND SWORN TO before me this 10th day of July, 2019 at PRMI, Utah.

/s/ Shellie P. George
Notary Public in and for Utah

Shellie P. George
Notary Printed Name
My commission expires: Jan. 14, 2020

Contact Person:
Tammy Walker
Financial Examiner I
(907) 269-4157