

BEFORE THE ARKANSAS SECURITIES COMMISSIONER
CASE NO. C-09-046

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ARKANSAS SECURITIES DEP

IN THE MATTER OF:

PREMIER MORTGAGE FINANCIAL, LLC
LICENSE NO. 42516

RESPONDENT

**REQUEST FOR REVOCATION OR SUSPENSION OF LICENSE
AND HEARING**

Comes now the Staff of the Arkansas Securities Department (“Staff”), by and through its attorney, Scott Freydl, and for its Request for Revocation or Suspension of License and Hearing, states:

Administrative Authority

This matter concerns the revocation or suspension of license to conduct business as a mortgage broker pursuant to the Arkansas Fair Mortgage Lending Act (“FMLA”), Ark. Code Ann. §§ 23-39-501 through 23-39-518, and is therefore properly before the Arkansas Securities Commissioner (“Commissioner”).

Respondents

1. Premier Mortgage Financial, LLC (“Premier”) is a mortgage broker company located in Cordova, Tennessee, license number 42516. Premier is currently licensed as a mortgage broker with the Arkansas Securities Department (“Department”). Premier’s license as a mortgage broker is scheduled to expire on December 31, 2009.

Facts to be Presented by Securities Department Staff
Failure to file financial statement

2. The fiscal year of Premier ended on December 31, 2008. Therefore, Premier was required to file its financial statement with the Department by March 31, 2009.

3. The Staff contacted Premier by telephone on June 9, 2009, concerning the failure of Premier to file its financial statement by the March 31, 2009, deadline. A representative of Premier stated, to a member of the Staff, that Premier's financial statement would be at the Department by July 1, 2009. As of the date of the filing of this Request, Premier has failed and refused to provide its required financial statement to the Department.

4. Pursuant to Ark. Code Ann. §§ 23-39-514(a)(1) and (a)(2)(B) the Commissioner should suspend or revoke the Arkansas mortgage broker license of Premier for failing and refusing to file its financial statement with the Department in violation of the Arkansas FMLA. In addition, the Commissioner should impose a civil penalty against Premier that shall not exceed \$10,000.00 for each such violation under § 23-39-514(b)(1)-(2).

Legal Authority

5. The Arkansas FMLA states that each applicant for licensure as a mortgage broker shall file with the commissioner as part of his, her or its application financial statements that reflect that the applicant has a net worth of at least twenty-five thousand dollars. Ark. Code Ann. § 23-39-505(g)(2).

6. By Order number C-08-068-08-OR01, titled In The Matter of Arkansas Fair Mortgage Lending Act, Ark. Code Ann. §§ 23-39-517(a) through (c), and §§ 23-39-518(a) through (e) the Commissioner ordered that mortgage brokers must file a financial statement directly with the

Arkansas Securities Department or through the Nationwide Mortgage Licensing System within ninety days of the end of the mortgage broker's fiscal year.

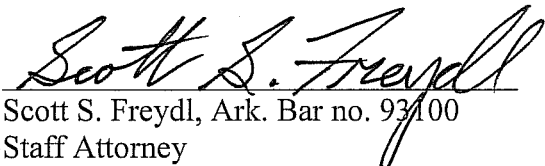
7. The Commissioner may by order deny, suspend, revoke, or refuse to issue or renew a license of a licensee or applicant if the Commissioner finds that the order is in the public interest and the licensee, or any loan officer or managing principal has violated or failed to comply with any provision of the FMLA. Ark. Code Ann. §§ 23-39-514(a)(1) and (a)(2)(B).

8. The Commissioner by order may impose a civil penalty that shall not exceed \$10,000.00 for each violation by a mortgage broker upon a licensee or any partner, officer, director, member, manager, or other person occupying a similar status or performing a similar function on behalf of a licensee for any violation of the FMLA. Ark. Code Ann. §§ 23-39-514(b)(1) and (2).

Summary

For the reasons set forth herein, the Staff requests that a hearing be held to consider whether the Arkansas mortgage broker license of Premier should be suspended or revoked, as well as the imposition of a reasonable fine, for Premier's failure and refusal to file its financial statement with the Department in violation of Ark. Code Ann. § 23-39-505(g)(2).

Respectfully Submitted,



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7/14/09

Date