

BEFORE THE GEORGIA DEPARTMENT OF BANKING AND FINANCE
STATE OF GEORGIA

GINA W. SPEARMAN,

Petitioner,

v.

GEORGIA DEPARTMENT OF
BANKING AND FINANCE,

Respondent.

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GEORGIA DEPARTMENT OF
BANKING AND FINANCE

DOCKET NO. DBF-MBL-11-014

CONSENT ORDER

On July 27, 2011, the Georgia Department of Banking and Finance (“Department”) issued a Notice of Intent to Revoke Mortgage Loan Originator’s License to Gina W. Spearman, Department License Number 28250 and Nationwide Mortgage Licensing System and Registry License Number 152661, in which it was alleged that in violation of O.C.G.A. §§ 7-1-1001.1 and 7-1-1002 she directly or indirectly transacted residential mortgage business with persons who were not licensed by the Department and were not exempt from licensing requirements. Further, it was alleged that Ms. Spearman directly or indirectly controlled such persons.

On this same day, a proposed Order to Cease and Desist was issued to Gina W. Spearman by the Department in which it was alleged that in violation of O.C.G.A. §§ 7-1-1001.1 and 7-1-1002 she directly or indirectly transacted residential mortgage business with persons who were not licensed by the Department and were not exempt from licensing requirements. Further, it was alleged that Ms. Spearman directly or indirectly controlled such persons.

On July 29, 2011, hearings were timely requested by Ms. Spearman to appeal the Notice

of Intent to Revoke Mortgage Loan Originator's License and the proposed Order to Cease and Desist that were issued to her.

On August 5, 2011, the Department issued a proposed Amended Order to Cease and Desist to Ms. Spearman to correct two errors referencing her license numbers in the initial issuance. On that same date, the Department issued an Amended Notice of Intent to Revoke Annual License in which the same corrections were made to Ms. Spearman's license numbers and to further allege that she misrepresented material facts likely to induce a mortgagee to make a mortgage loan in violation of O.C.G.A. § 7-1-1013(1); misrepresented or concealed information concerning mortgage transactions in violation of O.C.G.A. § 7-1-1013(2); and engaged in a course of business not in good faith in violation of O.C.G.A. § 7-1-1013(6). It also was alleged in this Amended Notice of Intent to Revoke Annual License that Ms. Spearman violated O.C.G.A. §§ 7-1-1007(d) and 1013(11).

On September 26, 2011, the Department issued a Revised Amended Notice of Intent to Revoke Mortgage Loan Originator's License to Ms. Spearman in which the allegations set forth in the Amended Notice of Intent to Revoke Annual License were modified to remove those pertaining to O.C.G.A. §§ 7-1-1007(d) and 7-1-1013(11) and to clarify that the administrative action being pursued was against Ms. Spearman and not Academy Mortgage Corporation.

The parties have discussed settlement of the issues raised by the Revised Amended Notice of Intent to Revoke Mortgage Loan Originator's License and the proposed Amended Order to Cease and Desist issued to Gina W. Spearman and have agreed to a resolution of those matters in their entirety.

By entering into this Consent Order, Gina W. Spearman neither admits nor denies the allegations set forth in the Revised Amended Notice of Intent to Revoke Mortgage Loan Originator's License or the proposed Amended Order to Cease and Desist.

It is hereby ORDERED as follows:

1. On or before December 23, 2011, Gina W. Spearman shall relinquish her position as branch manager for Academy Mortgage Corporation along with all of the responsibilities accompanying it. Within three business days of this occurrence, written notice shall be provided to the Department of the specific date on which Gina W. Spearman vacated this position. Gina W. Spearman shall be prohibited from serving as branch manager of a Georgia branch location of a licensed Georgia mortgage broker or Georgia mortgage lender or from applying to the Department for approval to serve in this role for a five-year period following the date on which she ceases to serve as the branch manager for Academy Mortgage Corporation. Nothing in this Consent Order shall be construed to prohibit Gina W. Spearman from being employed by a licensed Georgia mortgage broker or mortgage lender as a sales manager during this five-year period.

2. Gina W. Spearman shall not directly or indirectly transact business with any unlicensed "person" as defined by the Georgia Residential Mortgage Act, O.C.G.A. 7-1-1000 *et seq.*, unless that person is exempt from licensing or registration requirements pursuant to O.C.G.A. § 7-1-1001. This prohibition expressly precludes Gina W. Spearman from directly or indirectly working with any employee of a licensed Georgia mortgage broker or Georgia mortgage lender who takes residential mortgage loan applications or offers or negotiates the terms of a residential mortgage unless that individual holds a current, active Georgia mortgage loan originator's license or is exempt from licensing or registration requirements pursuant to O.C.G.A. § 7-1-1001.

3. Gina W. Spearman shall not authorize any person to sign her name to Georgia residential mortgage loan documents to be provided to borrowers or any lenders. In the event that Gina W. Spearman becomes aware that any person has signed her name on any Georgia

residential mortgage loan documents, she shall inform the Department in writing of the facts and circumstances surrounding each occurrence within five business days of its discovery.

4. For a five-year period following the date on which this Consent Order is signed by the Commissioner (the "entry date"), Gina W. Spearman is prohibited from making an application for a Georgia mortgage broker or Georgia mortgage lender's license, either in her individual capacity or as the owner or officer of a corporation, partnership or limited liability company. During such five-year period, Gina W. Spearman also shall be prohibited from directing the affairs of a Georgia mortgage broker or Georgia mortgage lender or from acting as a director, officer, partner, equitable owner, or any other equivalent role for a licensed Georgia mortgage broker or Georgia mortgage lender.

5. Gina W. Spearman shall cooperate with the Department in any investigation or administrative or civil action initiated by the Department against Academy Mortgage Corporation, its owners, or any of its current or former employees. The cooperation of Gina W. Spearman shall include, but not be limited to, providing the Department with requested documents, being interviewed by employees of the Department, and providing sworn written and verbal testimony pertaining to Academy Mortgage Corporation, its owners, or any of its current or former employees. This paragraph has been included in this Consent Order at the Department's request; Gina W. Spearman has made no representation that she can provide any specific information to the Department, nor has Gina W. Spearman offered to provide any specific information as an inducement to obtain this Consent Order.

6. Gina W. Spearman shall contribute \$1,000.00 to the State Regulatory Registry, LLC, a wholly-owned subsidiary of the Conference of State Bank Supervisors ("CSBS") to support the Nationwide Mortgage Licensing System and Registry, jointly sponsored by CSBS and the American Association of Residential Mortgage Regulators. This contribution shall be

paid in certified funds, be made payable to the State Regulatory Registry, LLC, and shall be remitted to the Department contemporaneously with the execution of this Consent Order.

7. Gina W. Spearman withdraws the requests for a hearing that were filed after receiving (i) the Notice of Intent to Revoke Mortgage Loan Originator's License issued by the Department, which subsequently was amended on August 5, 2011, and further revised on September 26, 2011, and (ii) the proposed Order to Cease and Desist issued by the Department, which was subsequently amended on August 5, 2011.

8. Contemporaneous with the entry date of this Consent Order, the Department shall withdraw (i) the Revised Amended Notice of Intent to Revoke Mortgage Loan Originator's License and (ii) the proposed Amended Order to Cease and Desist issued to Gina W. Spearman.

9. The entry of this Consent Order shall resolve and finally conclude the Revised Amended Notice of Intent to Revoke Mortgage Loan Originator's License and the proposed Amended Order to Cease and Desist issued to Gina W. Spearman.

10. Within five business days of the date of entry of this Consent Order, Gina W. Spearman shall update her responses to the Regulatory Action Disclosure Questions, Section 8.(I), on her MU-4 filing on the Nationwide Mortgage Licensing System and Registry to reflect the existence of this final administrative action against her and the restrictions set forth therein.

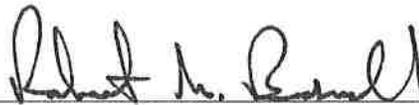
11. Gina W. Spearman will strictly comply with the terms of this Consent Order, the Georgia Fair Lending Act, O.C.G.A. § 7-6A-1 *et seq.*, the Georgia Residential Mortgage Act, as well as the rules and regulations enacted pursuant thereto. In the event any terms of this Consent Order are violated, the Department may initiate administrative proceedings against Gina W. Spearman. If the Department initiates any administrative proceedings, then violation of this Consent Order, if established by the Department, shall be available for consideration as grounds to support the Department's administrative actions.

12. Nothing set forth in this Consent Order shall be construed as an endorsement or prohibition by the Department of the employment of Gina W. Spearman by Academy Mortgage Corporation or any other licensed Georgia mortgage broker or Georgia mortgage lender in any position that she is qualified to hold by license or exemption consistent with the requirements of the Georgia Residential Mortgage Act, the Department rules and the terms of this Consent Order.

13. The terms of this Consent Order may be enforced by the Department pursuant to O.C.G.A. §§ 7-1-1017(g) and 7-1-1018(b).

14. This Consent Order shall be regarded as a public document that the Department may publish in the same manner as a final order of the agency.

SO ORDERED, this 22 day of November, 2011.

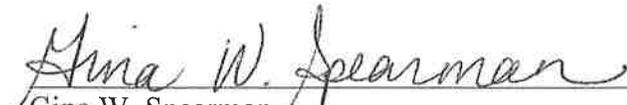


ROBERT M. BRASWELL
Commissioner
Georgia Department of Banking and Finance

Consented to by:



Rod Carnes
Deputy Commissioner
Non-Depository Financial Institutions
Georgia Department of Banking and Finance
2990 Brandywine Road, Suite 200
Atlanta, Georgia 30341



Gina W. Spearman
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Atlanta, Georgia 30342