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BEFORE THE DEPARTMENT OF BANKING AND FINANCE  
STATE OF GEORGIA

GEORGIA DEPARTMENT OF  
BANKING AND FINANCE

NICHOLAS JUSTIN YEARGIN

Petitioner

vs.

GEORGIA DEPARTMENT OF  
BANKING AND FINANCE

Respondent

DOCKET NO. DBF-MBL-13-001

CONSENT ORDER

On April 7, 2011, the Georgia Department of Banking and Finance (“Department”) issued a Notice of Intent to Revoke Mortgage Loan Originator’s License and proposed Order to Cease and Desist to Nicholas Justin Yeargin, mortgage loan originator license number 28863, Nationwide Mortgage Licensing System (“NMLS”) number 260105, alleging violations of the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000 *et seq.* (“GRMA”), including making false statements or misrepresenting material facts to lenders in violation of O.C.G.A. § 7-1-1013(1), (2) and (6) and transacting business with a person who is unlicensed and unregistered and not exempt from licensing and registration requirements in violation of O.C.G.A. § 7-1-1002.

On April 26, 2011, a hearing was requested to appeal the Notice of Intent to Revoke Mortgage Loan Originator’s License and proposed Order to Cease and Desist issued to Mr. Yeargin.

The parties have reached a settlement of the issues raised by the Notice of Intent to Revoke Mortgage Loan Originator’s License and the proposed Order to Cease and Desist and have agreed to a resolution of those matters in their entirety.

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

Accordingly, it is hereby ORDERED as follows:

1. Mr. Yeargin will strictly comply with the terms of this Consent Order, the Georgia Fair Lending Act, O.C.G.A. § 7-6A-1 et seq., and GRMA, as well as the Department's Rules enacted pursuant thereto. Failure to do so may result in additional administrative action being brought against Mr. Yeargin.

2. Mr. Yeargin shall be prohibited from making an application for a Georgia mortgage broker or Georgia mortgage lender's license, either in his individual capacity or as the owner or officer of a corporation, partnership, or limited liability company of which he is the ultimate equitable owner of ten (10) percent or more of the applicant for five (5) years from the date of entry of this Consent Order. Mr. Yeargin shall also be prohibited from making an application to be a branch manager for or to be the ultimate equitable owner of ten (10) percent or more of a licensed Georgia mortgage broker or Georgia mortgage lender for five (5) years from the date of entry of this Consent Order.

3. Within 90 days from the entry of this Order, Mr. Yeargin shall attend in-person, and successfully complete, four (4) hours of education from a Department-approved provider of mortgage coursework on GRMA, including mortgage fraud. Mr. Yeargin shall notify and cause to be submitted to the Department a copy of a certificate issued by the education provider(s) documenting his successful completion of this requirement, which subsequently may be verified

by this agency, within ten (10) business days of completion. None of the 4 hours of education obtained by Mr. Yeargin pursuant to this Consent Order shall qualify to be applied towards the Department's continuing education requirement for 2014 or any renewal period thereafter.

4. Within ten (10) business days of the occurrence of an action or event, Mr. Yeargin shall amend his MU4 Form on NMLS to reflect any changes in employment, residence, name, contact information or other requested information, including disclosure questions, to ensure that the information contained in his MU4 Form that is reported to the Department, is complete, current and accurate.

5. Mr. Yeargin shall maintain a complete and current journal of all Georgia residential mortgage loan transactions that shall comply with Department Rule 80-11-5-.02. Failure to make an entry of any or all of the required information to the mortgage loan transaction journal within seven (7) business days from the date of the occurrence of the event required to be recorded shall be deemed a failure to keep the journal current and a violation of this Consent Order. The journal of mortgage loan transactions shall include, at a minimum, the following information:

- a. full name of proposed borrower and co-borrower;
- b. date Mr. Yeargin took the application for a mortgage loan;
- c. name and the unique identifier or Federal Regulatory Number of the mortgage licensee or registrant sponsoring Mr. Yeargin at the time; and,
- d. disposition or result of the mortgage loan application and date of disposition.

6. The Department shall withdraw the Notice of Intent to Revoke Mortgage Loan Originator's License and proposed Order to Cease and Desist issued to Mr. Yeargin upon the entry of this Consent Order.

7. Mr. Yeargin hereby withdraws his request for a hearing regarding the Notice of Intent to Revoke Mortgage Loan Originator's License and proposed Order to Cease and Desist issued by the Department on April 7, 2011.

8. Mr. Yeargin shall pay a fine in the amount of \$1,000 to the Department in full and final satisfaction of any and all monetary claims that have or could have been brought by the Department in connection with allegations that Mr. Yeargin violated the Georgia Residential Mortgage Act. This fine shall be paid in certified funds and shall be remitted contemporaneously with the entry of this Consent Order.

9. Mr. Yeargin shall contribute \$1,000 to the State Regulatory Registry, LLC, a wholly-owned subsidiary of the Conference of State Bank Supervisors ("CSBS") to support the NMLS, 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 contemporaneously with the entry of this Consent Order.

10. All written notifications required by this Consent Order shall be mailed to:

Georgia Department of Banking and Finance  
Attention: Director of Non-Depository Financial Institutions Division  
2990 Brandywine Road, Suite 200  
Atlanta, Georgia 30341

11. The entry of this Consent Order will resolve the administrative actions pending against Mr. Yeargin that were identified by the Department in its Notice of Intent to Revoke Mortgage Loan Originator's License and proposed Order to Cease and Desist.

12. The terms of this Consent Order may be enforced by the Department in accordance with and pursuant to state law including but not limited to O.C.G.A. §§ 7-1-1017(g) and 7-1-1018(b).

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

SO ORDERED AND ENTERED, this 7th day of March 2013.



ROBERT M. BRASWELL

Commissioner

Georgia Department of Banking and Finance

Consented to by:



Nicholas Justin Yeargin  
Atlanta, Georgia  
NMLS No. 260105

Date 2/25/13



Rod Carnes, Deputy Commissioner  
Department of Banking and Finance  
2990 Brandywine Road, Suite 200  
Atlanta, Georgia 30341

Date 03/07/13

(signatures continued on next page)

Approved as to form:

Therese G. Franzen Date 3/5/13

Therese G. Franzen, Esq.

Franzen and Salzano, P.C.

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