

FILED
SECURITIES DIVISION

DEC 01 2010

INDIANA
SECRETARY OF STATE

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE
SECURITIES DIVISION

IN THE MATTER OF:)

FRED SHIMFESSEL,)

Respondent.)

) Cause No.: 10-0426 CA

CONSENT AGREEMENT

The Office of the Indiana Secretary of State, Securities Division (“Division”) and Fred Shimfessel (“Shimfessel”) do hereby agree and stipulate that:

1. The Division alleges that Shimfessel is an individual who was never licensed as a mortgage loan originator with Homequest Mortgage Network, LLC (“HMN”) in the state of Indiana, with a last known business address of 315 Townepark Circle, Suite 100, Louisville, KY 40243.
2. The Division alleges that on or about May 14, 2009, Shimfessel engaged in loan origination activities on behalf of HMN by assisting one (1) borrower to obtain a mortgage loan in the state of Indiana without being licensed as a mortgage loan originator with HMN at that time, in violation of Ind. Code § 23-2-5-4(b).
3. In order to amicably resolve this matter and avoid the expense, inconvenience and uncertainty of further administrative proceedings, and without any admission of any of the allegations set forth in the Administrative Complaint or wrongdoing by Shimfessel, the parties agree as follows:
 - A. Shimfessel hereby waives his right to a hearing pursuant to Ind. Code § 23-2-5-10(e);

B. Shimfessel hereby waives his right to an appeal pursuant to Ind. Code § 23-2-5-22;

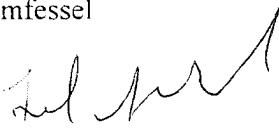
C. Shimfessel shall pay a civil penalty in the aggregate amount of seven hundred and fifty dollars (\$750) for an alleged violation of the Indiana Loan Broker Act, Ind. Code 23-2-5 (“Act”); and

D. Shimfessel agrees not to violate the provisions of the Act in the future.

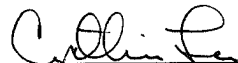
4. The failure of Shimfessel to adhere to the terms of this Consent Agreement shall constitute grounds for administrative action by the Division against Shimfessel.
5. This Consent Agreement is executed in the public interest to avoid the necessity and burden of a public hearing. It does not constitute an admission by or a finding or determination against Respondent of any violation of the Act or the rules and regulations promulgated thereunder and may not be used, except as stated in paragraph 4 or to show repetitive conduct should Respondent commit future violations of the Act, for any further proceeding or disqualification, including, but not limited to, any denial of license, registration, or exemption from registration requirements. 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.
6. This Consent Agreement shall have no effect on the Division’s ability to take action with regard to any complaint or complaints against Shimfessel concerning matters not noted in this Consent Agreement.
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. Payment of all amounts due the Division as provided herein shall be tendered to the Division with an executed copy of this Agreement.
9. This Consent Agreement may be executed in multiple counterparts, each of which shall be considered binding on all parties.
10. This Consent Agreement is expressly subject to the approval of the Securities Commissioner and should the Securities 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 in any hearing or other proceeding held in connection with the matters referred to herein.

Fred Shimfessel

By: 
Printed: Fred Shimfessel

Indiana Secretary of State,
Securities Division

By: 
Cynthia Lee
Enforcement Attorney

APPROVED and ORDERED at Indianapolis, Indiana this 15th day of DECEMBER, 2010.



TODD ROKITA
SECRETARY OF STATE


CHRIS NAYLOR
SECURITIES COMMISSIONER