

* * * * *

*

IN THE MATTER OF:

*

*

**HOME FREE MORTGAGE
INCORPORATED
NMLS # 1152047**

*

*

*

*

*

*

*

CONSENT ORDER

(“Home Free”)

*

*

* * * * *

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part I of Chapter 668, Sections 36a-485 to 36a-534b, inclusive, of the Connecticut General Statutes, “Mortgage Lenders, Correspondent Lenders, Brokers and Loan Originators”;

WHEREAS, Home Free is a Virginia corporation that is currently licensed as a mortgage broker under Part I of Chapter 668, Sections 36a-485 *et seq.*, of the Connecticut General Statutes;

WHEREAS, Section 36a-490(b)(2) of the Connecticut General Statutes requires that a mortgage broker licensee file with the Nationwide Multistate Licensing System and Registry (“NMLS”) an addition of a fictitious name at least thirty (30) calendar days prior to such change, and provide directly to the Commissioner a bond rider or endorsement, or addendum, as applicable, to the surety bond on file with the Commissioner that reflects the fictitious name;

WHEREAS, Home Free failed to file with NMLS an advanced change notice to add the use of a fictitious name at least (30) calendar days prior to such change, and failed to provide a bond rider or endorsement, or addendum, as applicable, to the surety bond on file with the Commissioner;

WHEREAS, the Commissioner believes that such allegation would support initiation of proceedings against Home Free, which proceedings would constitute a “contested case” within the

meaning of Section 4-166(4) of the Connecticut General Statutes. Section 4-177(c) of the Connecticut General Statutes and Section 36a-1-55(a) of the Regulations of Connecticut State Agencies provide that a contested case may be resolved by consent order, unless precluded by law;

WHEREAS, Home Free, through its execution of this Consent Order, voluntarily agrees to waive its procedural rights, including a right to a notice and an opportunity for a hearing as it pertains to the allegation set forth herein, voluntarily agrees to consent to the entry of the sanction imposed below and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order;

WHEREAS, Home Free acknowledges that it has had the opportunity to consult with and be represented by independent counsel in negotiating and reviewing this Consent Order and executes this Consent Order freely;

WHEREAS, Home Free acknowledges that this Consent Order is a public record and is a reportable event for purposes of NMLS, as applicable;

AND WHEREAS, Home Free herein represents to the Commissioner that it has reviewed and updated its internal policies, procedures and controls to ensure that Home Free will file any change it makes to its name or any trade name or any address of any office specified on its most recent filing with NMLS at least thirty (30) calendar days prior to such change and, in connection with such change, Home Free will provide directly to the Commissioner a bond rider or endorsement, or addendum, as applicable, to the surety bond on file with the Commissioner that reflects such change.

CONSENT TO ENTRY OF SANCTION

WHEREAS, Home Free, through its execution of this Consent Order, consents to the Commissioner's entry of a Consent Order imposing the following sanction:

No later than the date this Consent Order is executed by Home Free, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Five Hundred Dollars (\$500) as a civil penalty.

CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Sanction set forth above be and is hereby entered;
2. Upon issuance of this Consent Order by the Commissioner, this matter will be resolved and the Commissioner will not take any future enforcement action against Home Free based upon the allegation contained herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against Home Free based upon a violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by Home Free and reflected herein is subsequently discovered to be untrue;
3. Home Free shall not take any action or make or permit to be made any public statement, including in regulatory filings, any proceeding in any forum or otherwise, denying, directly or indirectly, any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis. Except as specifically provided herein, Home Free shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. Nothing in this provision affects Home Free's (i) testimonial obligations, or (ii) right to take any legal or factual position that may contradict an allegation in this Consent Order in litigation or other legal proceedings in which the Commissioner is not a party;
4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by Home Free and its control persons, as applicable, on NMLS, nothing in the issuance of this Consent Order shall adversely affect the ability of Home Free to apply for or obtain licenses or renewal licenses under Part I of Chapter 668, Sections 36a-485 *et seq.*, of the Connecticut General Statutes, provided all applicable legal requirements for such license are satisfied and the terms of this Consent Order are followed;
5. This Consent Order shall be binding upon Home Free and its successors and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut,
this 8th day of September 2023.

/s/
Jorge L. Perez
Banking Commissioner

I, Russell A Kesterson, state on behalf of Home Free Mortgage Incorporated , that I have read the foregoing Consent Order; that I know and fully understand its contents; that I am authorized to execute this Consent Order on behalf of Home Free Mortgage Incorporated; that Home Free Mortgage Incorporated agrees freely and without threat or coercion of any kind to comply with the sanction entered and terms and conditions ordered herein; and that Home Free Mortgage Incorporated voluntarily agrees to enter into this Consent Order, expressly waiving the procedural rights set forth herein as to the matters described herein.

By: /s/

Name: Russell A Kesterson
Title: President
Home Free Mortgage Incorporated

State of: Virginia

County of: Virginia Beach

On this the 21st day of August 2023, before me, Megan Argamaso Lozada, the undersigned officer, personally appeared Russell A Kesterson, who acknowledged himself/herself to be the President of Home Free Mortgage Incorporated, a corporation, and that he/she as such Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as President.

In witness whereof I hereunto set my hand.

/s/
Notary Public
Date Commission Expires: 05/31/2027