

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2011-AH-0050**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**FINAL ORDER**

LAURA ANNE DAVISON

RESPONDENT

\* \* \* \* \*

This matter is before the Commissioner of the Department of Financial Institutions (“DFI”), pursuant to KRS 286.8-044. The Commissioner hereby enters this **Final Order** revoking Laura Anne Davison’s (“Respondent”) mortgage loan processor registration, pursuant to KRS Chapter 286.8.

**FINDINGS OF FACTS**

1. DFI is responsible for regulating and licensing mortgage loan processors in accordance with the provisions of KRS Chapter 286.8. No person shall transact business in Kentucky as a mortgage loan processor, unless that person is registered with DFI and complies with all the applicable requirements of KRS Chapter 286.8. *See* KRS 286.8-255(1).

2. Respondent is currently registered as a loan processor in Kentucky, pursuant to KRS Chapter 286.8.

3. A mortgage loan processor cannot maintain a certificate of registration unless the loan processor demonstrates financial responsibility, character and general fitness such as to command the confidence of the community and to warrant a determination that the loan

processor will operate honestly, fairly, lawfully, and efficiently within the purposes of KRS Chapter 286.8. *See* KRS 286.8-255(9).

4. In order to effectuate this mandate, the DFI reviews registrants' credit histories for compliance with 808 KAR 12:021 §5. After conducting such a review on Respondent's credit history, DFI determined that Respondent does not meet the financial responsibility requirements of KRS Chapter 286.8.

5. On April 4, 2011 DFI filed an Administrative Complaint to revoke Respondent's loan processor registration. The Administrative Complaint was sent via certified mail, return receipt requested to Respondent's last known address, 865 McCrary Road, Guston, KY 40142.

6. The Administrative Complaint explained that the Respondent must file an answer to the Complaint, including a request for hearing, within twenty (20) days of service. The Administrative Complaint also explained that if a request for hearing was not received within 20 days, DFI would seek a Final Order from the Commissioner granting the relief requested in the Complaint.

7. The Administrative Complaint was signed for and returned to DFI on April 6, 2011.

8. More than twenty (20) days has passed and the Respondent did not timely request an administrative hearing.

#### **STATUTORY AUTHORITY**

9. Pursuant to KRS 286.8-255(1), "No natural person shall transact business in Kentucky, either directly or indirectly, as a mortgage loan originator or mortgage loan processor unless such mortgage loan originator or mortgage loan processor is registered with the department and has been issued a current certificate of registration by the department, complies

with all applicable requirements of this subtitle, and maintains a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry. The department shall maintain a database of all mortgage loan originators and mortgage loan processors originating or processing mortgage loans on residential real property in Kentucky. The department shall issue a certificate of registration to all registered mortgage loan originators and mortgage loan processors.”

10. In order to maintain a certificate of registration, a mortgage loan processor must demonstrate “...financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator or loan processor will operate honestly, fairly, lawfully, and efficiently within the purposes of the subtitle.” *See* KRS 286.8-255(9)(c).

11. Pursuant to 808 KAR 12:021 §5, DFI is authorized to review a loan processor’s credit report in order to determine the loan processor’s financial responsibility, character, and general fitness such as to command the confidence of the community and that the applicant will operate honestly, fairly, lawfully, and efficiently within the purposes of KRS Chapter 286.8. If the loan processor’s credit score is below the 600 threshold, then DFI, in order to make a determination as to financial responsibility, can review the credit report for: (a) Any outstanding judgments, excluding judgments arising solely from medical expenses for the applicant or an immediate family member; (b) Any outstanding tax liens or other governmental liens; (c) Any foreclosures occurring within five (5) years of the date of application or renewal; (d) Any bankruptcies occurring within five (5) years of the date of application or renewal; and (e) Any delinquent accounts occurring within five (5) years of the date of application or renewal.

12. KRS 286.8-090(1)(a) gives DFI the power to revoke a mortgage loan processor registration if the registrant, “Does not meet, no longer meets, or has failed to comply with the requirements of this subtitle”.

13. KRS 286.8-044(2) states in pertinent part, “The executive director (now the Commissioner) shall serve the administrative complaint by certified mail or personal delivery to the last known address of the person named in the complaint. The person named in the administrative complaint shall be entitled to a hearing, but only upon timely receipt of a written answer and request for a hearing within twenty (20) days of the service or hand delivery of the administrative complaint.” *Emphasis added.*

14. KRS 286.8-044(3) explains that service by certified mail is complete upon the earlier of the following:

- (a) The date on which the person receives the mail;
- (b) The date on which the agency receives the return receipt; or
- (c) The date on which the agency receives notice that the mail has been returned undelivered.

### **CONCLUSIONS OF LAW**

15. Respondent has not demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that she will operate honestly, fairly, lawfully, and efficiently within the purposes of the Act, pursuant to KRS 286.255(9)(c) and 808 KAR 12:021 §5.

16. In addition, the Respondent does not meet the requirements of KRS Chapter 286.8. Therefore, her registration for mortgage loan processor must be revoked. *See* KRS 286.8-090(1)(a).

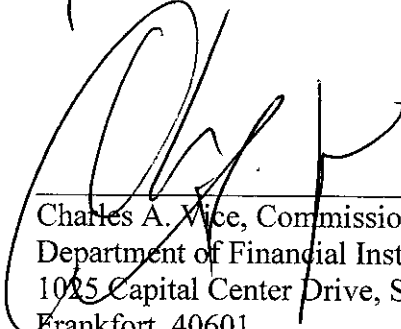
17. The Respondent was properly served the Complaint pursuant to KRS 286.8-044(2) by serving the Respondent via certified mail at the last known address of the Respondent. Service by certified mail is complete pursuant to KRS 286.8-044(3).

18. Respondent failed to timely respond to the Administrative Complaint or request a hearing within twenty (20) days of service. Thus, the Respondent has not perfected her appeal and her right to a hearing is waived in this matter.

**ORDER**

Based on the Findings of Fact, Statutory Authority, and Conclusions of Law set forth above, the Commissioner **ORDERS** that the mortgage loan processor registration of Respondent Laura Anne Davison is **REVOKED**.

Executed on the 4<sup>th</sup> day of May, 2011.

  
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Charles A. Vice, Commissioner  
Department of Financial Institutions  
1025 Capital Center Drive, Suite 200  
Frankfort, 40601

This is a **FINAL AND APPEALABLE ORDER**. This Final Order shall become effective upon completion of service as set forth in KRS 286.8-044.

**NOTICE OF APPEAL RIGHTS**

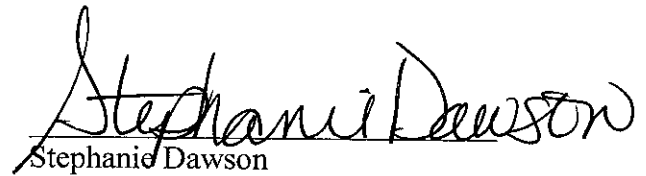
Pursuant to KRS 286.8-210, you are hereby notified that you have the right to appeal this Final Order of the Commissioner. If you chose to appeal, you must file a written Notice of

Appeal with the Franklin Circuit Court within sixty (60) days after completion of service of this Final Order. A copy of any Appeal Petition must also be served on the Commissioner.

**Certificate of Service**

I hereby certify that a copy of the foregoing **Final Order** was sent by certified mail to, return receipt requested, on this the 4<sup>th</sup> day of May, 2011 to:

Laura Anne Davison  
865 McCrary Road  
Guston, KY 40142



Stephanie Dawson  
Department of Financial Institutions  
1025 Capital Center Drive, Ste. 200  
Frankfort, KY 40601  
(502) 573-3390, ext. 282  
(502) 573-2183 (fax)