

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2011-AH-0169**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

**AGREED ORDER**

RACHEL D. CALVERT

RESPONDENT

\* \* \* \* \*

1. The Department of Financial Institutions (“DFI”) is responsible for regulating and licensing mortgage loan brokers, mortgage loan companies, mortgage loan originators, and mortgage loan processors in accordance with the provisions set forth in KRS Chapter 286.8, the Mortgage Licensing and Regulation Act (the “Act”).

2. Rachel D. Calvert, formerly known as Rachel Ogden (“Respondent”) was, at all relevant times herein, employed as a mortgage loan originator by Smith Broady & Associates, Inc., a mortgage loan broker licensed to conduct such business in Kentucky pursuant to the Act. Respondent’s Nationwide Mortgage Licensing System and Registry (“NMLS”) number is 174026.

3. However, Respondent is not and has not been registered in Kentucky as a mortgage loan originator pursuant to the Act and is not otherwise authorized to engage in such business in Kentucky.

4. The DFI conducted a mortgage loan company exam of Smith Broady & Associates, Inc. on May 9, 2011. During this examination, the DFI discovered that in September 2010, Respondent took the initial residential mortgage loan application of a Kentucky borrower, the application for which identified a proposed Kentucky property. This activity constitutes a violation of KRS 286.8-030(1)(c) and KRS 286.8-255(1), which prohibit a natural person from transacting business, either directly or indirectly,

as a mortgage loan originator or mortgage loan processor unless the individual is registered in accordance with KRS 286.8-255.

5. The DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, and/or the imposition of fines in an amount up to \$25,000 per violation. *See* KRS 286.8-046; 286.8-090.

6. In this case, the DFI assessed a fine against Respondent in the amount of one thousand dollars (\$1,000.00) for acting as an unregistered mortgage loan originator in Kentucky in violation of KRS 286.8-030(1)(c) and KRS 286.8-255(1).

7. In the interest of economically and efficiently resolving the violation(s) described herein, the DFI and Respondent agree as follows:

- a. Respondent agrees to pay, the sum of five hundred dollars (\$500.00) for the alleged violation(s) described herein, and the DFI agrees to accept such reduced sum in settlement of the fine assessed herein;
- b. Respondent agrees to and shall pay the total settlement herein in a single installment payment of five hundred dollars (\$500.00), which shall be due on the date Respondent executes the Agreed Order and returns it to the DFI, but in no event later than October 10, 2011. Said payment shall be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: Michael T. Davis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in the Act and the regulations set forth in 808 KAR Chapter 12.

7. Respondent waives his right to demand a hearing at which she would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on her own behalf, or to otherwise appeal or set aside this Order.

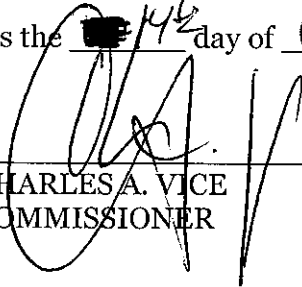
8. Respondent consents to and acknowledges the jurisdiction of the DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

9. In consideration of execution of this Agreed Order, Respondent for herself, and for her successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

10. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

11. This Agreed Order shall constitute the Final Order in this matter.

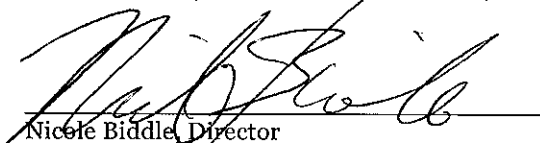
IT IS SO ORDERED on this the 14<sup>th</sup> day of October, 2011.

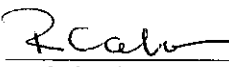
  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 8<sup>th</sup> day of October, 2011.

This 6<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Nicole Biddle, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

  
\_\_\_\_\_  
Rachel Calvert

ACKNOWLEDGEMENT

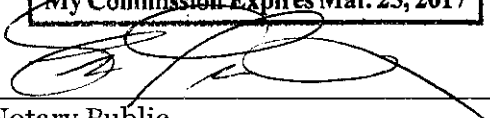
STATE OF IN )  
 )  
COUNTY OF FLOYD )

On this the 6<sup>th</sup> day of October, 2011, before me \_\_\_\_\_, the undersigned, Rachel Calvert, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: \_\_\_\_\_

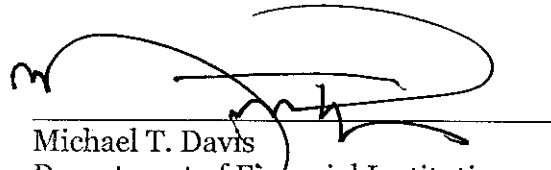
**Caunille Pria Mirchandani**  
Notary Public, State of Indiana  
**SEAL**  
My Commission Expires Mar. 25, 2017

  
\_\_\_\_\_  
Notary Public

**Certificate of Service**

I, Michael T. Davis, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the ~~5~~<sup>14th</sup> day of October, 2011, by certified mail, to the following:

Rachel Calvert (Ogden)  
6319 Sky Crest Court  
Charlestown, Indiana 47111  
*Respondent*



Michael T. Davis  
Department of Financial Institutions  
1025 Capital Center Drive  
Suite 200  
Frankfort, Kentucky 40601  
502-573-3390 ext. 240 (phone)  
502-573-2183 (facsimile)