

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE AGENCY ACTION NO. 2009-AH-60**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

EMERGENCY ORDER SUSPENDING REGISTRATION

RICHARD WILLIAM HILD

RESPONDENT

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Financial Institutions (“DFI”), and hereby enters this **Emergency Order Suspending Registration** of Richard William Hild (“Hild” or “Respondent”) such that Hild is immediately and indefinitely suspended from engaging in the mortgage lending process in Kentucky. In support, DFI states as follows:

STATEMENT OF FACTS

1. The DFI is responsible for regulating and licensing mortgage loan companies, mortgage loan brokers, and mortgage loan originators and processors doing business in Kentucky in accordance with the provisions of Kentucky Revised Statutes (KRS) Chapter 286.8, the Mortgage Loan Company and Mortgage Loan Broker Act (the “Act”).

2. On July 1, 2008, Hild was issued a temporary mortgage loan originator registration (MC22991) by DFI for the purpose of engaging in the mortgage loan originator business in the Commonwealth of Kentucky. It was converted into a permanent registration on September 17, 2008. Hild provides a current home address of 6215 Newcut Road, Crestwood, Kentucky, 40014. His current employer is Swan

Financial Corporation, 320 Whittington Parkway, Suite 304, Louisville, Kentucky, 40222.

3. On September 23, 2009, the Grand Jury for the Western District of the United States District Court returned a one-count Indictment charging Hild with “Conspiracy to Commit Wire and Mail Fraud” in violation of 18 U.S.C. §1349 (the “Indictment”). The Indictment is attached as Exhibit 1.

4. Specifically, the Indictment charges that Hild, “while working as a mortgage broker, conspired with others to fraudulently obtain residential mortgage loans by misrepresenting the financial information of borrowers, and by providing fraudulent documents in support of loan applications, and during the course of the conspiracy, used and caused to be used interstate wires and the United States mail.

STATUTORY AUTHORITY

1. Pursuant to KRS 286.8-090, the commissioner may deny, suspend, or revoke any license when the applicant or licensee does not meet or has failed to comply with the requirements of KRS 286.8, does not conduct his business in accordance with law or the method of business includes or would include activities which are illegal where performed, or has willfully violated any provision of KRS 286.8 or any regulation thereunder, or has pending against him any felony charge.

2. Pursuant to KRS 286.8-048(1), the commissioner may enter an emergency order suspending the license of any mortgage loan broker without notice or hearing if it appears on grounds satisfactory to the commissioner that the mortgage loan broker has engaged or is engaging in unsafe, unsound, and illegal practices that pose an imminent threat to the public interest.

3. Pursuant to KRS 286.8-048(2), if a mortgage loan originator is indicted for “any act involving fraud, deception, theft, or breach of trust,” said indictment shall be considered sufficient grounds for an emergency order under KRS 286.8-048(1).

CONCLUSIONS

Based upon the foregoing, the Commissioner has determined as follows:

1. Hild applied for and was issued a mortgage loan originator registration (MC22991) by DFI for the purpose of engaging in the mortgage loan originator business in the Commonwealth of Kentucky with a home address of 6215 Newcut Road, Crestwood, Kentucky, 40014. His current employer is Swan Financial Corporation, 320 Whittington Parkway, Suite 304, Louisville, Kentucky, 40222.

2. It appears on grounds satisfactory to the commissioner that Hild has been indicted for conspiracy to commit wire and mail fraud based on Hild having conspired with others to “fraudulently obtain residential mortgage loans by misrepresenting the financial information of borrowers, and by providing fraudulent documents in support of loan applications.”

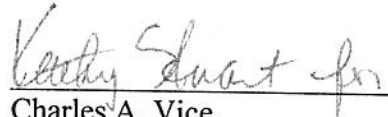
3. Based on the foregoing, there are sufficient grounds for an emergency order suspending Hild’s registration as a mortgage loan originator pursuant to KRS 286.8-048(1) and (2)(c).

EMERGENCY ORDER

Based upon the foregoing Statement of Facts, Statutory Authority and Conclusions, the Commissioner **hereby ORDERS** as follows:

1. The mortgage loan originator registration held by **Richard William Hild** is immediately and indefinitely **SUSPENDED** pursuant to KRS 286.8-048;
2. **Richard William Hild** is directed to immediately **CEASE** all mortgage loan originator activities in the Commonwealth of Kentucky, pending further notice or order;
3. **Richard William Hild** is prohibited from participating in any business activity of a registrant or licensee and from engaging in any business activity on the premises where a licensee or registrant is conducting its business;
4. Nothing in this Order shall prevent the DFI or any other authority from taking any further administrative or enforcement action under the Act or any other applicable law; and
5. Pursuant to KRS 286.8-048(3), this **EMERGENCY ORDER** shall become effective upon the affixation of a signature by the Commissioner.

IT IS SO ORDERED on this the 29th day of September, 2009.



Charles A. Vice
Commissioner
Department of Financial Institutions

NOTICE OF DUE PROCESS AND APPEAL RIGHTS

1. Pursuant to KRS 286.8-048(3), this Emergency Order shall be delivered by personal delivery or certified mail to the last known address of the Respondent and the Emergency Order shall be deemed served upon delivery or upon return of the order.

2. Pursuant to KRS 286.8-048(4), you are hereby notified that you have the right to request an emergency hearing to appeal the entry of this Emergency Order. If you choose to appeal, the request for hearing shall be filed with the Commissioner within **twenty (20) days** of service of the emergency order.

3. Pursuant to KRS 286.8-048(5), upon receipt of a written request for emergency hearing, the Commissioner shall conduct an emergency hearing as required under KRS 13B.125, within **ten (10) working days** from the date of receipt of the request for hearing, unless the parties agree otherwise.

4. Pursuant to KRS 286.8-048(6), this Emergency Order shall remain in effect until it is withdrawn or superseded by an order of the Commissioner or until it is terminated by court order.

Certificate of Service

I hereby certify that a copy of the foregoing **Emergency Order Suspending Registration** was sent by certified mail, return receipt requested, on this the 29th day of September, 2009, to the following:

Richard William Hild
6215 Newcut Road
Crestwood, Kentucky 40014

Richard William Hild
c/o Swan Financial Corporation
320 Whittington Parkway
Suite 304
Louisville, Kentucky 40222



Christine Lewis
Legal Counsel
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 573-3390 Ext. 240
(502) 573-2183 (facsimile)

FORM DBD-34
JUN.85

No. 3:09 cr-138-M

UNITED STATES DISTRICT COURT
Western District of Kentucky
Louisville Division

THE UNITED STATES OF AMERICA
vs.

RICHARD HILD

INDICTMENT

**Title 18 U.S.C. § 1349:
Conspiracy to Commit Wire Fraud and Mail
Fraud.**

A true bill.

[Signature]

oreman

Filed in open

2009.

Clerk

Bail, \$

FILED
WESTERN DISTRICT OF KY
09 SEP 23 PM 2:33

EXHIBIT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

FILED
DISTRICT COURT CLERK
WESTERN DISTRICT OF KY
09 SEP 23 PM 2:32

UNITED STATES OF AMERICA

v.

INDICTMENT

NO. 3:09cv-138-M
18 U.S.C. § 1349

RICHARD HILD

The Grand Jury charges:

COUNT 1

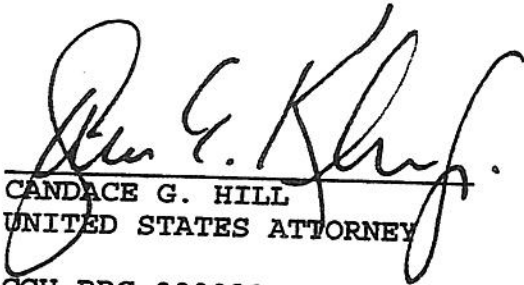
(Conspiracy to Commit Wire and Mail Fraud)

In or about and between June 2006 and February 2007, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **RICHARD HILD**, the defendant herein, and other unnamed co-conspirators, known and unknown to the Grand Jury, conspired, confederated and agreed with each other and with others to commit the offenses of mail fraud and wire fraud, to wit: **RICHARD HILD**, while working as a mortgage broker, conspired with others to fraudulently obtain residential mortgage loans by misrepresenting the financial information of borrowers, and by providing fraudulent documents in support of loan applications, and during the course of the conspiracy, used and caused to be used interstate wires and the United States mail.

In violation of Title 18, United States Code, Section 1349.

A TRUE BILL

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CANDACE G. HILL
UNITED STATES ATTORNEY

CGH:BRC:090921

UNITED STATES OF AMERICA v. RICHARD HILD

P E N A L T I E S

Count 1: NM 20 yrs./\$250,000/both/NM 3 yrs. Supervised Release

N O T I C E

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST** and **PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the

fine; or **IMPRISONMENT** for not more than 1 year or both.
18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.