

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF NON-DEPOSITORY INSTITUTIONS  
ADMINISTRATIVE ACTION NO. 2022-AH-0009

**Department of Financial Institutions,**

**Complainant;**

v.

**The Cadle Company;**

**Respondent.**

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**AGREED ORDER**

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1. Complainant The Department of Financial Institutions (the "Department") is responsible for regulating, examining, and licensing mortgage loan companies, brokers, originators, and processors in accordance with the provisions set forth in Kentucky Revised Statutes (KRS) chapter 286 subtitle 8.

2. Respondent The Cadle Company is authorized pursuant to KRS 286.8 to do business in Kentucky as a mortgage loan company, license #MC740901, with a mailing address of 100 North Center Street, Newton Falls, Ohio 44444-1321, and Nationwide Multi-State Licensing System and Registry ("NMLS") registration number #206836.

3. During a mortgage-company license exam of The Cadle Company on November 8, 2021, The Department determined that The Cadle Company serviced eleven mortgage loans owned by affiliated entities, secured by Kentucky properties, prior to The Cadle Company's mortgage-company license first being approved on August 20, 2019.

4. Under KRS 286.8-030(1)(a), "[i]t is unlawful for any person to transact business in Kentucky, either directly or indirectly, as a mortgage loan company or mortgage loan broker if the mortgage loan company or mortgage loan broker is not licensed in accordance with the requirements of this subtitle."

5. Under KRS 286.8-010(20), "mortgage loan company," for the purposes of KRS ch. 286.8, includes one who "[s]ervices mortgage loans."

6. Under KRS 286.8-010(34), "transacting business in Kentucky," for the purposes of KRS ch. 286.8, "includ[es] the servicing of mortgage loans, with respect to any residential real property located in Kentucky."

7. The Cadle Company's servicing of mortgage loans secured by Kentucky properties prior to its license being approved therefore violated KRS 286.8-030(1)(a).

8. The Department possesses a wide range of administrative authority in addressing statutory and regulatory violations, including license revocation or denial, suspension, or the imposition of civil penalties. Pursuant to KRS 286.8-046(1), the Commissioner may assess a fine of between one thousand dollars (\$1,000) and twenty-five thousand dollars (\$25,000) per violation, plus the state's costs and expenses, for any violation of KRS 286.8 or an administrative regulation promulgated thereunder, or any violation of an order of the Commissioner entered under KRS 286.8.

9. In this case, the Department assessed a civil penalty in the amount of two-thousand, five-hundred dollars (\$2,500) for the above-described violations.

10. In the interest of economically and efficiently resolving the violations described herein, the Department and The Cadle Company agree as follows:

a. The Cadle Company agrees to pay a civil penalty in the amount of two-thousand, five-hundred (\$2,500) for the violations described herein, due upon entry of this Agreed Order. **Payment shall be remitted through NMLS.**

b. The Cadle Company agrees to devote the time and resources necessary to pursue continual and full compliance with all requirements set forth in KRS ch. 286.8 and regulations promulgated thereunder.

c. The Cadle Company agrees not to violate KRS ch. 286.8 nor regulations promulgated thereunder in the future.

11. The Cadle Company consents to and acknowledges the jurisdiction of the Department over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

12. The Cadle Company acknowledges that at all times it has had the opportunity to seek advice concerning this matter from competent counsel of its choice, and that no coercion has been exerted upon it, nor have any promises been made other than those reflected in this Agreed Order, to induce it to execute this Agreed Order. The Cadle Company has freely and voluntarily entered into this Agreed Order, motivated only by a desire to resolve the issues addressed herein.

13. The Cadle Company is aware it has the right to contest these charges in an administrative hearing under KRS ch. 13B, which includes the following rights: representation by an attorney at The Cadle Company's own expense, the right to a public hearing on any charges contained in a formal complaint from the Department, the right to confront and cross-examine witnesses called to testify against The Cadle Company, the right to present evidence on behalf of The Cadle Company, the right to compulsory process to secure the attendance of such witnesses, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the Department's formal complaint, the right to obtain judicial review of the Department's decision, and the right to appeal any final order of the Department to Circuit

Court and thereafter to a higher appellate court as provided by KRS ch. 13B. By entering into this Agreed Order, The Cadle Company waives those rights.

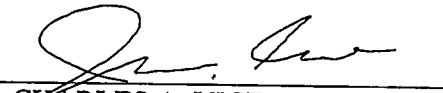
14. In consideration of the execution of this Agreed Order, The Cadle Company hereby releases and forever discharges the Commonwealth of Kentucky, the Department, the Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that The Cadle Company 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.

15. By signing below, The Cadle Company acknowledges they have read the foregoing Agreed Order and knows and fully understands its contents.

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


IT IS SO ORDERED on this the 11th day of April, 2022.

Justin M. Burse, Deputy Commissioner on behalf of

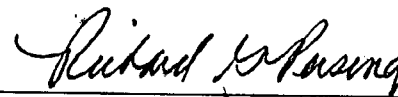
  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 31<sup>st</sup> day of March, 2022.

  
Jeff Jacob, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

This 31<sup>st</sup> day of March, 2022.

  
Richard G. Persinger, President  
The Cadle Company  
NMLS #206836

ACKNOWLEDGEMENT

STATE OF OHIO )

COUNTY OF TRUMBULL )

On this the 31<sup>st</sup> day of March, 2022, before me did appear

Richard G. Persinger, identified to me by personal knowledge

(FORM OF IDENTIFICATION, OR PERSONAL KNOWLEDGE), and executed the foregoing instrument for the purposes therein contained.

Richard G. Persinger

Richard G. Persinger, President  
For The Cadle Company

Kim M. Bean

Notary Public

2017-RE-634304

Commission ID#

My Commission Expires:

2-26-27



KIM M BEAN  
Notary Public  
State of Ohio  
My Comm. Expires  
February 26, 2027

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Agreed Order was sent on this the 13<sup>th</sup>  
day of April, 2022 to:

Via certified mail, return receipt requested to:

Jon Gluckner  
Vice President / Compliance  
The Cadle Company  
100 North Center Street  
Newton Falls, Ohio 44444-1321  
jon.gluckner@cadlecó.com

Via hand-delivery to:

Michael Barnett  
Staff Attorney  
Department of Financial Institutions  
500 Mero Street 2SW19  
Frankfort, Kentucky 40601  
michael.barnett@ky.gov

Kentucky Department of Financial Institutions

Name: Allison Reed, by Mary Johnson

Title: Executive Staff Assistant