



**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE ACTION NO. 2025-DFI-0150**

KENTUCKY DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

VAN DYK MORTGAGE CORPORATION

RESPONDENT

AGREED ORDER

PARTIES

1. The Kentucky Department of Financial Institutions is responsible for administering the provisions of KRS Chapter 286, Subtitle 8, of the Kentucky Financial Services Code ("the Code"), as well as any applicable rules, regulations and orders entered pursuant to the Code.
2. Van Dyk Mortgage Corporation is a Kentucky limited liability company, conducting business as a mortgage lender and master mortgage loan servicer. The company's principal office is located at 2449 Camelot Court SE, Grand Rapids, Michigan 49546. The company's registered agent is listed with the Kentucky Secretary of State as National Registered Agents, Inc. located at 306 W. Main Street, Suite 512, Frankfort, KY, 40601.

STATEMENT OF FACTS

3. On December 16, 2024, the Department conducted a routine compliance examination of Van Dyk Mortgage Corporation. The period of conduct under examination spans from May 1, 2020, to September 30, 2024. The following events occurred during that examination.
4. The Department confirmed that Van Dyk Mortgage Corporation had employees utilizing alternate work locations when performing job duties within the mortgage lending process.

5. The Department reviewed Van Dyke Mortgage Corporation's Remote Work Policy. The Remote Work Policy has no mention of performing any type of documented review of employee's remote work locations and equipment. There was also no record of acknowledgement from employees that they are agreeing to adhere to the Remote Work Policy.
6. The Department requested documented reviews from Van Dyk Mortgage Corporation, which would certify that all employees engaged in the mortgage lending process at alternate work locations had met appropriate standards and safeguards required by statute and expressed in the company's policy. The company was unable to provide responsive documents to that request.
7. The Department asked Van Dyk Mortgage Corporation if it had conducted documented reviews of alternate work locations. Van Dyk Mortgage Corporation responded that it did not have dedicated reviews for remote locations but that it would implement reviews beginning on January 1, 2025.
8. In a letter dated February 14, 2025, Van Dyk Mortgage Corporation's representative sent the Department confirmation that it had received the Examiner Noted Violation on the Report of Examination dated January 14, 2025. In response, the company attached its most recent Branch and Remote Work Location Audit Procedure to verify updated controls for statutory compliance. The company further attached proof that documented audits had recently occurred pursuant to the new procedure.

STATUTORY AUTHORITY

9. KRS 286.8-010(2) states that "Alternate work location":
 - (a) Means a physical location, other than the principal office or a branch, at which the employees of a licensee are authorized by the licensee to remotely engage in the mortgage lending process; and
 - (b) May include a physical location, other than the principal office or a branch, where an employee:

1. Completes mortgage-related activities if the location is not maintained or utilized for the purpose of conducting in-person mortgage lending business; and
 2. Meets in person at the convenience of the borrower on an infrequent or as-needed basis in order to complete the mortgage lending process if the location is not the employee's home.
10. KRS 286.8-036(6) states,
 - (6) A licensee may permit employees to engage in the mortgage lending process at an alternate work location if:
 - (a) The licensee has written policies and procedures for supervision of employees working from alternate work locations;
 - (b) Access to the licensee's computer systems and customer information is in accordance with the licensee's comprehensive written information technology security plan;
 - (c) Employees are not permitted to conduct in-person customer activities at the alternate work location except as provided in KRS 286.8-010(2)(b)2.;
 - (d) The licensee ensures that no physical or electronic documents are maintained at the alternate work location; and
 - (e) No signage or advertising of the licensee or the mortgage loan originator is displayed at any alternate work location.
11. KRS 286.8-295 states,
 - (1) As used in this section, "employee" shall include a mortgage loan originator engaged as an independent contractor.
 - (2)
 - (a) Every mortgage loan company and mortgage loan broker shall exercise proper supervision and control over the operations, employees, and affairs of its company.
 - (b) A mortgage loan company or mortgage loan broker shall supervise and control all employees acting as a mortgage loan originator on behalf of the mortgage loan company or mortgage loan broker.
 - (3) A licensee that allows employees to engage in the mortgage lending process from an alternate work location shall:
 - (a) Exercise proper supervision and control over the employees;

(b) Have written policies and procedures in place that ensure a safe, secure system for the mortgage lending process;

(c) Oversee compliance, and require all employees to comply, with the policies and procedures referenced in paragraph (b) of this subsection;

(d) Employ appropriate risk-based monitoring and oversight processes;

(e) Ensure that:

1. Customer interactions and communications about consumer accounts are in compliance with federal and state information security requirements, including applicable provisions of:

a. The Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102, as amended; and

b. The Federal Trade Commission's Safeguards Rule, set forth in 16 C.F.R. Part 314;

2. Any employee that engages in the mortgage lending process at an alternate work location accesses the company's secure systems, including a cloud-based system, directly from any out-of-office device via a virtual private network (VPN) or a comparable system that ensures secure connectivity and requires passwords or other forms of authentication to access;

3. Appropriate security updates, patches, or other alterations to the security of all devices used at an alternate work location are installed and maintained;

4. Any employee that engages in the mortgage lending process at an alternate work location agrees to comply with the licensee's processes established under paragraph (d) of this subsection; and

5. The Nationwide Multistate Licensing System and Registry record of a mortgage loan originator that works from an alternate work location designates a properly licensed location as the mortgage loan originator's official work station;

(f) Have the ability to:

1. Remotely lock or erase company-related contents of any device; or

2. Otherwise remotely limit all access to the company's secure systems; and

(g) At least annually:

1. Certify that all employees engaged in the mortgage lending process at alternate work locations meet the appropriate standards and safeguards to continue engaging in the mortgage lending process from the alternate work locations; and
2. Review each alternate work location and provide proof of the documented review to the department upon request.

12. KRS 286.8-046 states,

(1) The commissioner may levy a civil penalty against any person who violates any provision of or any administrative regulation promulgated under this subtitle or order issued by the commissioner under this subtitle. The civil penalty shall be not less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000) per violation, plus the state's costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs.

(2) The commissioner may order restitution, refund, recovery of expenses, or direct such other affirmative action as the commissioner deems necessary against any person who violates any order issued by the commissioner or any provision of, or administrative regulation promulgated under, this subtitle.

VIOLATIONS

13. In contravention of KRS 286.8-295(2) and (3)(a), Van Dyk Mortgage Corporation did not apply its written policies and procedures for supervision of employees working at alternative work locations, which is defined in KRS 286.8-010(2).

14. In contravention of KRS 286.8-036(6), because it did not supervise employees at alternate work locations to ensure compliance with the statute, Van Dyk Mortgage Corporation did not meet statutory requirements to permit employees to engage in the mortgage lending process at an alternate work location.

15. In contravention of KRS 286.8-295(3)(b) and (c), Van Dyk Mortgage Corporation disregarded its written policies and did not oversee compliance with them. Furthermore, the

company stated that those policies and procedures would not be implemented until January 1, 2025.

16. In contravention of KRS 286.8-295(3)(g)(1), Van Dyk Mortgage Corporation did not annually certify that all employees engaged in the mortgage lending process at alternative work locations met the appropriate standards and safeguards to continue engagement in that process from those locations.

17. In contravention of KRS 286.8-295(g)(2), Van Dyk Mortgage Corporation did not provide the Department proof responsive to the Department's request that a documented review had occurred regarding alternate work location compliance.

AGREEMENT AND ORDER

18. To resolve this matter without litigation or other adversarial proceedings, the Department and Van Dyk Mortgage Corporation agree to compromise and settle all claims arising from the above-referenced factual background in accordance with the terms set forth herein.

19. In the interest of economically and efficiently resolving the violations described herein, it is hereby **AGREED** and **ORDERED**:

- i. Van Dyk Mortgage Corporation agrees to pay a civil fine in the amount of one thousand dollars (\$1,000.00) for the violations described herein, which shall be due and payable within thirty (30) days of the entry of this Order;
- ii. All payments under this Order shall be made through the NMLS system by invoice created by DFI;
- iii. Van Dyk Mortgage Corporation waives the right to demand a hearing at which it would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on its behalf, or to otherwise appeal or set aside this Agreed Order;

iv. Van Dyk Mortgage Corporation 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;

v. In consideration of execution of this Agreed Order, Van Dyk Mortgage Corporation for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the Department, 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 Van Dyk Mortgage Corporation 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;

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

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

SO ORDERED on this the 4th day of December, 2025.


MARNI ROCK GIBSON
COMMISSIONER

Consented to:

On behalf of the Department of Financial Institutions,

This 3 day of December, 2025.

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

and

On behalf of Van Dyk Mortgage Corporation,

This 2nd day of December, 2025.

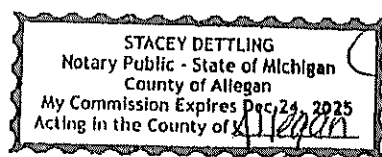
Justin McDowell, CFO
Van Dyk Mortgage Corporation

ACKNOWLEDGEMENT

STATE OF Michigan)
COUNTY OF Allegan)

On this the 2nd day of December, 2025, **Justin McDowell, CFO**, in my presence,
acknowledged **himself** to be the authorized representative of **Van Dyk Mortgage Corporation**,
and, being authorized to do so, did enter into and execute the foregoing instrument, on behalf of
Van Dyk Mortgage Corporation, for the purposes therein contained, acknowledging the same.

My Commission Expires: 12/24/2025



Notary Public

CERTIFICATE OF SERVICE

LM I certify that a true and correct copy of the foregoing Agreed Order was sent on this the December day of December, 2025, by the method indicated below to the following:

Via certified mail, return receipt requested:

National Registered Agents, Inc.
VAN DYK MORTGAGE CORPORATION
306 W. Main Street, Suite 512,
Frankfort, KY, 40601
Registered Agent on behalf of Respondent

Justin McDowell, CFO
VAN DYK MORTGAGE CORPORATION
2449 Camelot Court SE,
Grand Rapids, Michigan 49546
Respondent

Via electronic delivery:

Addison Lowry, Staff Attorney III
DEPARTMENT OF FINANCIAL INSTITUTIONS
500 Mero Street
Frankfort, KY 40601
addison.lowry@ky.gov
Counsel for Department of Financial Institutions

Kentucky Department of Financial Institutions

Name: Amigan Reed

Title: Executive Staff Advisor