

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
ADMINISTRATIVE AGENCY ACTION NO. 2010-AH-075**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

**FINAL ORDER**

YVONNE VICKERY

RESPONDENT

This matter is before the Commissioner of the Department of Financial Institutions (“DFI”), pursuant to KRS 13B.120. The Commissioner hereby enters this **Final Order** against Yvonne Vickery (“Vickery”).

Having considered the record in this matter and the Recommended Order of Default, to which no exceptions were filed, and being sufficiently advised, I hereby adopt the Recommended Order of Default issued by the Hearing Officer on September 22, 2010 and hereby make the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

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

2. Vickery is an individual whose last known address is 109 Ladbrooke Grove Rd, Louisville, KY 40245.

3. Pursuant to the Act, the DFI issued a subpoena to Envision Lending Group, Inc. in December 2008 to determine whether the activities of Envision Lending Group,

Inc. were in compliance with applicable laws and regulations; whether the practices and policies of Envision Lending Group, Inc. had a potentially adverse impact on prospective borrowers; and whether the business was being operated efficiently, fairly, and in the public interest.

4. During the examination, the DFI discovered that Vickery originated mortgage loans on Kentucky properties in February and April 2008.

5. Vickery was not registered with the DFI as a mortgage loan originator in February and April 2008.

6. On May 28, 2010, the DFI filed an Administrative Complaint against Vickery seeking the imposition of a two thousand dollar fine for her violations of the Act. The Administrative Complaint was mailed to Vickery's last known address by certified mail return receipt requested.

7. By letter dated June 24, 2010, Vickery requested a hearing.

8. On September 22, 2010 the Hearing Officer issued a Recommended Order of Default.

#### **CONCLUSIONS OF LAW**

9. Pursuant to KRS 286.8-030(1)(c), "it is unlawful for any natural person to transact business in Kentucky, either directly or indirectly, as a mortgage loan originator or mortgage loan processor, unless otherwise exempted, if the mortgage loan originator or mortgage loan processor is not registered in accordance with KRS 286.8-255."

10. 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 office and has been issued a current certificate of registration by the office, complies with all applicable requirements of this subtitle, and maintains a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.”

11. Vickery violated KRS 286.8-030(1)(c) by performing the acts set forth in paragraph four (4).

**ORDER**

**THEREFORE**, based upon the foregoing statement of facts, statutory authority, and legal conclusions, the Commissioner **HEREBY ORDERS**:

1. The Recommended Order issued by the Hearing Officer on September 22, 2010 and attached hereto is hereby adopted and incorporated by reference in this Final Order:

2. The Respondent, Yvonne Vickery, shall pay a fine in the amount of two thousand dollars (\$2,000) for violation(s) of the Act.

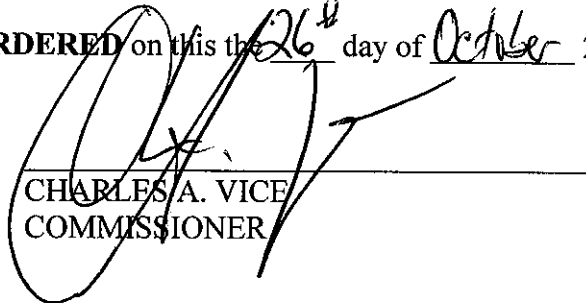
3. This is a **FINAL ORDER**.

This **ORDER** shall become effective upon completion of service as set forth in KRS 13B-050(2).

**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 choose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within sixty (60) days of completion of service of this Final Order.

**IT IS SO ORDERED** on this the 26<sup>th</sup> day of October 2010.

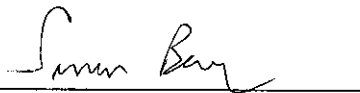
  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Certificate of Service**

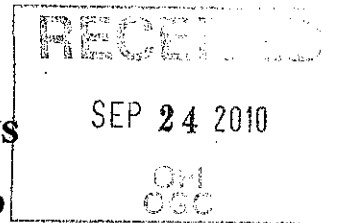
I hereby certify that a copy of the foregoing **Final Order** was sent by certified mail return receipt requested on this the 27<sup>th</sup> day of October, 2010, to the following:

Yvonne Vickery  
109 Ladbrooke Grove Rd  
Louisville, KY 40245

By messenger mail  
Hon. Michael Head  
Hearing Officer  
Division of Administrative Hearings  
Office of the Attorney General  
1024 Capital Center Drive  
Frankfort, KY 40601

  
\_\_\_\_\_  
Simon Berry  
Department of Financial Institutions  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2010-AH-075  
ADMINISTRATIVE ACTION NO. 10-PPC-0219**



DEPARTMENT OF FINANCIAL INSTITUTIONS

PETITIONER

vs.

**RECOMMENDED ORDER OF DEFAULT**

YVONNE VICKERY

RESPONDENT

\* \* \* \* \*

A telephonic prehearing conference was conducted on August 16, 2010, at 11:00 a.m., ET. The Hearing Officer did not have a phone number to contact the Respondent, Yvonne Vickery. The Respondent had been ordered by an Order Assigning Case dated August 3, 2010, to notify the Hearing Officer's office by August 13, 2010, of a telephone number where she could be reached for the telephone conference call, but she did not contact the Hearing Officer's office or anyone from the Department of Financial Institutions. The Order Assigning Case was sent to the Respondent's last known address.

A Show Cause Order dated August 16, 2010, set a telephonic show cause conference on September 10, 2010, at 11:00 a.m., ET. The Respondent was ordered to appear at the scheduled show cause conference and show cause why her request for a hearing should not be dismissed and a default order issued against her imposing the fine proposed in the Administrative Complaint. Ms. Vickery was further ordered to call the staff of the Hearing Officer on or before the scheduled show cause conference with a phone number where she could be reached for the telephonic conference. The Respondent was warned if she failed to appear for the show cause

conference, a recommended order of default would be issued against her pursuant to KRS 13B.080(6).

Pursuant to KRS 13B.080(6), "If a party properly served under KRS 13B.050 fails to . . . comply with the orders of a hearing officer, the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate . . . having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. A default order shall be considered a recommended order and shall be processed as provided in KRS 13B.110."

The Department filed an affidavit of Simon Berry stating that the Respondent was served at her last known address by certified mail, return receipt requested, with an attached copy of the return receipt, showing compliance with the service requirements of KRS 13B.050.

Therefore, there being no reason to hold a hearing in this matter, IT IS HEREBY RECOMMENDED that the Board enter a Final Order declaring all the allegations in the Administrative Complaint to be true by reason of the Respondent's default; concluding that Yvonne Vickery violated KRS 286.8-030(1)(c); and, pursuant to KRS 286.8-046(1), ordering that she pay a fine in the amount of \$2000 for violations of the Act, and ordering any other appropriate relief.

**NOTICE TO PARTIES OF EXCEPTION  
AND APPEAL RIGHTS**

Pursuant to KRS 13B.110(4):

a copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

Pursuant to KRS 13B.120(2):

the agency head may accept this recommended order and adopt it as the agency's final order, or it may reject or modify, in whole or in part, the recommended order, or it may remand the matter, in whole or in part, to the hearing officer for further proceedings as appropriate.

Pursuant to KRS 13B.120(4):

the agency head shall render a final order in an administrative hearing within ninety (90) days after the hearing officer submits a recommended order to the agency head, unless the matter is remanded to the hearing officer for further proceedings.

Pursuant to KRS 13B.140:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of KRS Chapter 13B. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, in a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served when filing an appeal petition in the Circuit Court.

SO RECOMMENDED this 22 day of September, 2010.

A handwritten signature in black ink, appearing to read 'M. Head', is written over a horizontal line.

MICHAEL HEAD  
HEARING OFFICER  
ADMINISTRATIVE HEARINGS BRANCH  
OFFICE OF THE ATTORNEY GENERAL  
1024 CAPITAL CENTER DRIVE, SUITE 200  
FRANKFORT, KY 40601-8204  
(502) 696-5442  
(502) 573-1009 - FAX



**CERTIFICATE OF SERVICE**

I hereby certify that the original of this ORDER was mailed this 23<sup>rd</sup> day of

September, 2010, by messenger mail, to

GENERAL COUNSEL  
DEPT OF FINANCIAL INSTITUTIONS  
1025 CAPITAL CENTER DR STE 200  
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

YVONNE VICKERY  
15222 BRISTOL HARBOR AVE  
LOUISVILLE KY 40245

and, by e-mail and messenger mail, to:

SIMON BERRY  
OFFICE OF LEGAL COUNSEL  
DEPT OF FINANCIAL INSTITUTIONS  
1025 CAPITAL CENTER DR STE 200  
FRANKFORT KY 40601

  
\_\_\_\_\_  
DOCKET COORDINATOR

100219fc rec ord default.Vickery.mh.wpd