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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE  
OF THE STATE OF IDAHO**

In re Mortgage Loan Originator  
License Renewal Application of:

KAILEY ANNE FRAZIER,  
NMLS ID No. 2246665,

Applicant.

Docket No. 2022-16-21

**CONSENT ORDER**

The staff of the Idaho Department of Finance, specifically the Consumer Finance Bureau, (the Department) and KAILEY ANNE FRAZIER, NMLS ID No. 2246665 (the Applicant), collectively “the Parties,” agree and stipulate to the terms of this Consent Order and further agree that the Director of the Idaho Department of Finance (Director), may adopt the Consent Order pursuant to the Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 *et seq.* (the Act).

The Parties stipulate and agree to the following facts, legal conclusions, and remedies, and that the Director may enter an order adopting the provisions of this Consent Order to fully resolve this matter.

## FACTUAL BACKGROUND

1. The Applicant, Kailey Anne Frazier, a resident of the state of Idaho, applied for an Idaho Mortgage Loan Originator (MLO) license by filing an individual Form MU4 through the online Nationwide Mortgage Licensing System and Registry (NMLSR), a.k.a. Nationwide Multistate Licensing System (NMLS) under NMLS No. 2246665. This application was attested to and submitted by the Applicant on November 10, 2021.

2. The application Form MU4 seeks information about an individual applicant's qualifications to be licensed as a mortgage loan originator. A section of the application is entitled "Disclosure Questions" and consists of a series of questions that inquire into an applicant's history regarding financial, criminal, civil, judicial, and regulatory matters.

3. Pertinent to the Applicant's qualifications is question "(D) Do you have any unsatisfied judgments or liens against you?" The applicant responded, "No" to this question.

4. Consistent with normal practice, a Department examiner conducted an assessment of the Applicant using various sources of public information to determine if the Applicant demonstrates sufficient financial responsibility, character, and general fitness in order to be licensed as a mortgage loan originator.<sup>1</sup>

5. The examiner obtained a public record background information report through LexisNexis that reflected the Applicant may have had an unsatisfied judgment. The examiner sought to obtain verification of the judgment and found that a court judgment was entered on

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<sup>1</sup> Conducted pursuant to Part 3 of the Act titled "The Idaho Secure and Fair Enforcement for Mortgage Licensing Act" (Idaho S.A.F.E. Mortgage Licensing Act), Idaho Code § 26-31-306.

June 5, 2019, in the Seventh District of the State of Idaho, Madison County, Idaho (Case No. CV33-19-0272) in favor of Bonneville Billing & Collection, Inc., for \$5,916.66.

6. At that time, the Department had no evidence indicating that this judgment was satisfied and/or released because the creditor did not file a satisfaction of its June 5, 2019, judgment.

7. On March 24, 2022, the Department provided the Applicant notice of an intent to deny the application within approximately one month based on the information set forth above unless the Applicant was able to provide documentation to satisfy the Department that the noted item had been resolved and that disclosure was not required. The notice alternatively provided the Applicant the opportunity to withdraw the application.

8. The Applicant did not provide documentation or withdraw her application in a timely manner and, as a result, the Department presented an Order Denying Mortgage Loan Originator License Application and Notice of the Opportunity to Request a Hearing (Order) to the Director, which Order was entered against the Applicant on May 19, 2022.

9. On the date that the Order was entered, the Applicant responded by email and contested the Order. Subsequently, the Applicant provided documentation showing that the judgment had been satisfied in 2020, prior to her application submission, and that disclosure on her application was not required.

#### **TERMS AND CONDITIONS OF SETTLEMENT**

10. Paragraphs 1 through 9 above are fully incorporated herein by this reference.

11. The Applicant agrees that the Department provided her with a notice of intent to deny and allowed her a period of time to withdraw her application, and that the Department had no

statutory obligation to do so. The Applicant agrees that she did not provide documentation or attempt to withdraw the application prior to the Order being entered.

12. Based on the additional documentation previously received, the November 10, 2021, Application will be granted upon entry by the Director of the Consent Order, barring any new information arising that would disqualify the Applicant.

13. Both the Department and the Applicant agree that this Consent Order, if adopted by the Director, is intended to be the complete resolution of any violations of law that may arise from the factual matters referenced herein based on the facts known at this time. Further, both the Department and the Applicant agree to not pursue any and all claims either may have against the other related to such violations, or any right to a hearing, appeal, or any further legal action or proceeding arising solely from such facts and circumstances.

14. The Department and the Applicant agree that this Consent Order supersedes the denial Order entered against the Applicant on May 19, 2022, which denial Order is hereby vacated and of no effect, thus disclosure of the denial Order will not be required on the Applicant's NMLS license record.

15. The Applicant acknowledges that the entry of this Consent Order will likely be a reportable event requiring disclosure in any future licensing applications submitted by the Applicant both in Idaho and in other states.

16. The Applicant knowingly, willingly, voluntarily, and irrevocably consents to the entry of this Consent Order and agrees that she fully understands all the terms and conditions contained herein.

17. The Applicant agrees that she will not participate in any activity in Idaho that falls within the jurisdiction of the Department, to include engaging in mortgage loan origination activity, without first being issued the appropriate license for such activity.


18. The Parties agree that they shall pay their own costs and fees.

19. The Applicant acknowledges that she has had the opportunity to retain counsel and has chosen not to do so.

20. The Parties desire that the Director enter an order adopting this Consent Order thereby fully and finally resolving the matters raised herein, and the Parties agree to forgo their right to a hearing and to present evidence on their behalf.

21. The Parties waive their rights to seek reconsideration or judicial review of this Consent Order and agree that it shall be binding and final upon entry by the Director.

DATED this 6th day of July 2022.

  
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KAILEY ANNE FRAZIER,  
NMLS ID No. 2246665

DATED this 11 day of July 2022.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
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ERIN VAN ENGELEN  
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 12<sup>th</sup> day of July 2022.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
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PATRICIA R. PERKINS, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of ~~June~~ July 2022, I caused a true and correct fully-executed copy of the foregoing CONSENT ORDER to be served on the following by the designated means:

Kailey Anne Frazier  
245 Jefferson Dr.  
Rexburg, ID 83440

- U.S. mail, postage prepaid
- certified mail
- facsimile \_\_\_\_\_
- email: kaileyfrazierhomeloans@gmail.com

Erick M. Shaner  
Idaho Department of Finance  
PO Box 83720  
Boise, ID 83720-0031

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
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Paralegal