

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

In the matter of:

CHARLES L. BRICKMAN
1881 Drew Avenue
Columbus, OH 43235

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)
) Case No. 03-LO-D-121-122
)
) **Notice of Intent to Deny**
) **Mortgage Loan Officer License**
) &
) **Notice of Opportunity for a Hearing**
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)

JURISDICTION

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322.

Charles L. Brickman ("Respondent") is an Ohio resident living at 1881 Drew Avenue, Columbus, Ohio 43235. In June 2003, Respondent submitted an application to the Division for a mortgage loan officer license pursuant to R.C. Chapter 1322.

ALLEGATIONS

Pursuant to R.C. §§ 1322.031(B) and 1322.10(B), the Division conducted an investigation of the Respondent mortgage loan officer applicant, and as a result thereof, alleges the following:

Respondent was previously the owner and operations manager for Realm Mortgage & Financial, a mortgage broker licensed with the Division with its main office located at 1830 Bethel Road, Columbus, Ohio 43220 (registration no.# MB 1197).

Realm Mortgage & Financial also operated a branch office under the dba Mortgage Tech Express at 5167 Ainsley Drive, Westerville, Ohio 43082 (registration no.# MB 3708). Both certificates of registration MB 1197 and MB 3708 have been cancelled. Prior to their cancellation Respondent entered into employment with another mortgage lending company. During Respondent's employment with another mortgage lender Realm Mortgage & Financial effectively ceased to operate at its licensed Bethel Road location in Columbus. However, its operations continued at its Ainsley Drive location in Westerville, Ohio dba Mortgage Tech Express.

The mortgage brokerage business was conducted at the Ainsley Drive location by an employee who was not a licensed loan officer as required by law. Respondent, although the operations manager, failed to exercise active supervision over the transactions of the branch and permitted mortgage loans to be brokered by an unlicensed employee in violation of the law. Pursuant to law the operations manager is “the individual responsible for the everyday operations, compliance requirements, and management of a mortgage broker business.” R.C. § 1322.01(H).

As a result of Respondent’s actions mortgage loans were brokered in violation of R.C. § 1322.02(A) by a company that Respondent owns and controls. Respondent was by law personally responsible for said company’s operations and compliance. Further, by permitting his company’s branch to broker loans without a licensed loan officer, Respondent engaged in improper conduct, in violation of R.C. 1322.07(C). The conduct set forth above demonstrates a general lack of fitness to command confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of R.C. §§ 1322.01 to 1322.12.

FINDINGS

Based upon the facts as set forth in the allegations above, the Division has determined that Respondent, Charles L. Brickman, was personally responsible for his company’s violation of R.C. § 1322.02(A) and such conduct warrants refusal to issue a loan officer license pursuant to R.C. § 1322.10(A)(1)(a).

Based upon the facts as set forth in the allegations above, the Division has further determined that Respondent, Charles L. Brickman, by permitting his company’s branch to broker loans without a licensed loan officer, engaged in improper conduct, in violation of R.C. 1322.07(C) and such conduct warrants refusal to issue a loan officer license pursuant to R.C. § 1322.10(A)(1)(a).

In addition, based upon the facts as set forth in the allegations above, the Division has further determined that Respondent, Charles L. Brickman, does not have the required general fitness to command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the Mortgage Broker Act and that such finding both warrants and requires the refusal to issue the requested loan officer license pursuant to R.C. § 1322.041(A)(5).

PROPOSED ACTION

Based upon the allegations and findings above, the Division intends to DENY the Mortgage Loan Officer License for CHARLES L. BRICKMAN.

NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an ORDER DENYING the mortgage loan officer license for CHARLES L. BRICKMAN.

Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed:

**State of Ohio
Department of Commerce
Division of Financial Institutions
Attn: Attorney Timothy C. Winslow
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120**

At the hearing, Respondent may appear in person, by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing for and against Respondent.

If the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of this Notice, the Superintendent will issue an ORDER DENYING the mortgage loan officer license application of CHARLES L. BRICKMAN.

Signed and Sealed this ____ day of _____, 2003.

ROBERT M. GRIESER
Deputy Superintendent for Consumer Finance

**Cc: Timothy C. Winslow, In House Counsel—Division of Financial Institutions
Paula Paoletti, Asst. Attorney General, Business & Government Regulation**