

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

In the matter of:	)	<b>Case No. 05-001-MBD</b>
	)	<b>Case No. 05-0002LOR</b>
<b>MERIRUTH HUGHES-STEMPLE</b>	)	<b>Case No. 07-533</b>
2378 Richmond Road	)	<b>Case No. 07-534</b>
Cuyahoga Falls, OH 44221	)	
	)	<b>SETTLEMENT AND</b>
	)	<b>CONSENT ORDER</b>
	)	

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WHEREAS, 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; and

WHEREAS, Meriruth Hughes-Stemple ("Respondent") is an individual that holds an active loan officer license (LO# 005032) issued by the Division pursuant to R.C. 1322. Her address of record is 2378 Richmond Road, Cuyahoga Falls, OH 44221. Respondent's loan officer license is currently in escrow status and not held with an employing mortgage broker. Respondent has applied to the Division for a certificate of registration as a sole proprietor; and

WHEREAS, on July 8, 2005, the Division sent via certified mail a Notice of Intent to Revoke Loan Officer License & Notice of Opportunity for a Hearing (Case No. 05-0002 LOR) and Notice of Intent to Deny Certificate of Registration Application & Notice of Opportunity for a Hearing (Case No. 05-001 MBD) to Respondent which mailed Notices were received by and served upon Respondent. Respondent requested hearings and a hearing on both Notices was held on November 8, 2006. A Report and Recommendation was filed with the Division on March 1, 2007 in the Respondent's favor; and

WHEREAS, on September 17, 2007, the Division sent via certified mail a Notice of Intent to Revoke Loan Officer License & Notice of Opportunity for a Hearing (Case No. 07-533) which mailed Notice was received by and served upon Respondent; and Notice of Intent to Deny Certificate of Registration Application & Notice of Opportunity for a Hearing (Case No. 07-534) which was personally served on Respondent November 24, 2007 by an employee of the Division. These Notices were based on intervening facts and allegations concerning her activities working for Apex Financial Group, Inc. which the Division discovered after the November 8, 2006 hearing took place and the hearing officer's Report & Recommendation on the July 8, 2005 Notices was filed. Respondent requested hearings on both Notices. A hearing has been scheduled and continued in these matters; and

WHEREAS, Respondent Meriruth Hughes Stemple denies the allegations of the Division, and the Hearing Officer found in his Report and Recommendation on cases 05-001 MBD and 05-002 LOR from the November 8, 2006 hearing issued March 1, 2007 that Respondent has the financial responsibility, character, and general fitness to command the confidence of the public and warrant the belief that she will operate the business honestly and fairly and in compliance with the purposes of the Ohio Mortgage Broker Act and the Hearing Officer also found that Respondent has not violated the Ohio Mortgage Broker Act. As to cases 07-533 and 07-534, Respondent states that Apex Financial Group, Inc. ("Apex") represented to her that Apex was a direct lender licensed under the Ohio Mortgage Loan Act, exempt from licensure under the Ohio Mortgage Broker Act by R.C. 1322.02(C)(1)(f). Respondent states that Apex assured her that her branch of Apex located at 122 Broad Blvd., Cuyahoga Falls, OH 44221 did not require a certificate of registration and she did not require a loan officer license. Respondent further states that she did not operate an unlicensed branch of James Sanderson dba Liberty Mortgage at 122 Broad Boulevard, Cuyahoga Falls, OH 44221; but so as to avoid the cost and uncertainty of litigation Respondent agrees to enter into this Consent Order for purposes of settlement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties agree to the following:

- 1) The parties acknowledge and agree to the accuracy of the foregoing recitals.
- 2) This Settlement and Consent Order represents a compromise between the parties for the full, complete, and final settlement of all of their claims, differences, and causes of action with respect to the allegations contained in the Notice. Nothing shall prevent the Division, in the future, from taking any administrative or other action against Respondent for matters not addressed in this order.
- 3) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their successors in interest.
- 4) Without admitting liability Respondent agrees in the future to operate any branch office of a mortgage broker registrant in Ohio in conformity with the requirements of the Ohio Mortgage Broker Act, R.C. chapter 1322 and in particular R.C. § 1321.03(E) and O.A.C. § 1301:8-7-02(H). Respondent further agrees that for the next three years following the entry of this Consent Order that she will inform the Division in writing prior to acting as a loan officer as that term is defined or set forth in R.C. § 1322.01(E) and O.A.C. § 1301:8-7-08(B) for any non-bank/ depository mortgage lender or mortgage broker who claims it is exempt from licensure under the provisions of R.C. § 1322.02(C)(1)(f) or (g).
- 5) The Division shall terminate the Notice of Intent to Revoke the Loan Officer License & Notice of Opportunity for a Hearing issued July 8, 2005 and the Notice of Intent to Deny Mortgage Broker Certificate of Registration Application & Notice of Opportunity for a Hearing issued July 8, 2005, and agrees that it shall not, as long as Respondent is in compliance with this Settlement and Consent Order pursue the matters set forth in such Notice through its administrative process. Nothing, however, in this order shall be deemed to prevent the Division or its employees, agents, or assigns from participating in, as a witness or otherwise, any lawful action

by another, or obeying any lawful court order, arising out of or related to the matters set forth in these Notices.

- 6) The Division shall terminate the Notice of Intent to Revoke the Loan Officer License & Notice of Opportunity for a Hearing issued September 17, 2007 and the Notice of Intent to Deny Mortgage Broker Certificate of Registration Application & Notice of Opportunity for a Hearing issued September 17, 2007, and agrees that it shall not, as long as Respondent is in compliance with this Settlement and Consent Order pursue the matters set forth in such Notice through its administrative process. Nothing, however, in this order shall be deemed to prevent the Division or its employees, agents, or assigns from participating in, as a witness or otherwise, any lawful action by another, or obeying any lawful court order, arising out of or related to the matters set forth in these Notices.
- 7) Respondent agrees to withdraw her certificate of registration application as a sole proprietor as well as the certificate of registration application of Stemple-White's Amerimortgage Limited Partnership. Respondent further agrees that she will not apply or seek to act as an operations manager for a mortgage broker in Ohio for a period of three years from the date of entry of this Consent Order.
- 8) The Division agrees to vacate its order issued July 2, 2007, denying the certificate of registration application of Stemple-White's Amerimortgage Limited Partnership. It is acknowledged and understood by the Respondent that pursuant to Ohio Public Records Law and chapter 1322 of the Ohio Revised Code, the Division Order issued July 2, 2007 as well as the Order vacating it are public records and shall remain on the Division's Enforcement Actions Database.
- 9) The Division agrees that it shall not initiate the referral of the matters set forth in these Notices to other Ohio or federal governmental agencies for investigation or prosecution.
- 10) Respondent acknowledges lawful service and receipt of the Notice, and stipulates to the jurisdiction of the Division in this matter.
- 11) The Respondent hereby agrees to withdraw her requests for hearings, forego her administrative remedies, and waive any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 12) This Settlement and Consent Order shall be effective on the date it is signed by the Superintendent of the Division of Financial Institutions and on such date it will become a final order.
- 13) This Settlement and Consent Order contains the entire agreement between the parties as to the matters set forth herein and no promises, conditions or obligations, either expressed or implied, other than those set forth herein, shall be binding on either party.
- 14) Respondent releases the Division, its members, employees, agents, officers and representatives jointly and severally from any liability arising from the within matter. Respondent shall not seek attorney fees or other costs arising from the within matter.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that:

- A. The parties to this Settlement and Consent Order shall abide by the terms of this order as agreed.
- B. When this Settlement and Consent Order becomes effective as a final order, the Division shall again review Respondent's loan officer renewal applications. Provided the applications do not contain any deficiencies, the Division will issue Respondent a loan officer license. Nothing in this settlement and consent order shall deem to prevent the Division from taking any administrative action due to deficiencies which may arise in Respondent's loan officer application not specifically addressed in the Notice.
- C. The Notice of Intent to Revoke Respondent's Loan Officer License issued July 8, 2005 and The Notice of Intent to Deny Mortgage Broker Certificate of Registration Application issued July 8, 2005 by the Division is hereby terminated.
- D. The Notice of Intent to Revoke Respondent's Loan Officer License issued September 17, 2007 and the Notice of Intent to Deny Mortgage Broker Certificate of Registration Application issued September 17, 2007 by the Division is hereby terminated.

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Leigh A. Willis  
Deputy Superintendent for Consumer Finance

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Date

Approved and Agreed:

Meriruth Hughes-Stemple

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Date

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