

Ted Strickland  
Governor

**STATE OF OHIO**  
**DEPARTMENT OF COMMERCE**  
**Division of Financial Institutions**  
**Consumer Finance**

Kimberly A. Zurz  
Director

In the matter of:	)	Case No. M2008-336
	)	
<b>KEMPER MORTGAGE, INC.</b>	)	<b><u>DIVISION ORDER</u></b>
2 Prestige Place, Suite 450	)	<b>Mortgage Broker Fine</b>
Miamisburg, OH 45342	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>

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On or around December 11, 2008, the Division of Financial Institutions issued notice to Kemper Mortgage, Inc. ("Respondent") that the Division intended to impose a fine against the mortgage broker in the amount of \$5,000, because Respondent violated R.C. 1322.07(B) and R.C. 1322.07(C) in its advertisements by falsely representing James Kennedy was a licensed loan officer in the State of Ohio.

Respondent requested an administrative hearing, which was held on February 20, 2009. Respondent appeared through its attorney. A Report and Recommendation ("Report") was filed with the Division on March 19, 2009, recommending that the Division "impose a fine against Respondent in an amount not to exceed the statutory limitations set forth in R.C. 1322.10(A)(2) and in an amount commensurate with a consideration of the factors for the imposition of a fine set forth in R.C. Section 1322.10(A)(2)." (A copy of the Report is attached hereto). Respondent filed objections on March 31, 2009.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, Respondent's objections, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted and incorporated herein.

The Division modifies the Recommendation on page 7 of the Report and Recommendation. R.C. 1322.10(A)(2) allows the Division to impose a fine of not more than one thousand dollars for each day a violation of a law or rule is committed, repeated, or continued. Respondent sent out approximately 5800 advertisements that were allegedly from "James Kennedy, Senior Loan Officer," which constitutes a minimum of 5800 violations. After

considering the violations together with the factors in R.C. 1322.10(A)(2)(a)-(e), the Division finds that a fine in the amount of \$5,000 is reasonable, appropriate, and necessary.

The Division hereby imposes a fine against Respondent Kemper Mortgage, Inc. in the amount of \$5,000.

It is so ordered.

### **NOTICE OF RIGHT TO APPEAL**

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed by filing a notice of appeal with the Ohio Division of Financial Institutions setting forth the order appealed from and the grounds for the appeal. A copy of such notice of appeal must, pursuant to R.C. 119.12, also be filed with the court of common pleas of the county in which the place of business of the Respondent is located, or the county in which the Respondent is a resident. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Order.

Signed and sealed this 21<sup>st</sup> day of April, 2009.

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**LEIGH A. WILLIS**

Deputy Superintendent for Consumer Finance  
Division of Financial Institutions  
Ohio Department of Commerce