



Ohio Department of Commerce

Division of Financial Institutions
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Ted Strickland
Governor

Kimberly A. Zurz
Director

In the matter of:

PRIME TIME MORTGAGE, INC.
8401 Claude Thomas Rd., Ste. 21-F
Franklin, Ohio 45005-1476

Case No. M2007-433

**SETTLEMENT AND
CONSENT ORDER**

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, Prime Time Mortgage, Inc. ("Respondent") on April 25, 2007 filed an application with the Division to renew its mortgage broker certificate of registration pursuant to R.C. Chapter 1322. Respondent's address of record is 8401 Claude Thomas Rd., Suite 21-F, Franklin, Ohio 45005; and

WHEREAS, on July 20, 2007, the Division issued Respondent a Notice of Intent to Deny Renewal Application and Notice of Opportunity for a Hearing; and

WHEREAS, the Notice contained allegations and findings that:

1. Respondent failed to timely notify the Division that it had vacated its registered office in Springboro, Ohio, resulting in violations of Ohio Administrative Code ("OAC") 1301:8-7-03(K) and OAC 1301:8-7-19(H).
2. Because Respondent failed to comply with OAC 1301:8-7-03(K) and OAC 1301:8-7-19(H), the Division finds Respondent's character and general fitness do not command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act, thereby failing to meet the prerequisite for certificate of registration renewal found in R.C. 1322.04(A)(10) & (B)(3).
3. Because Respondent failed to comply with OAC 1301:8-7-03(K) and OAC 1301:8-7-19(H), the Division has the authority to refuse to renew Respondent's mortgage broker certificate of registration pursuant to R.C. 1322.10(A)(1)(a).

WHEREAS, Respondent admits the allegations of the Division's July 20, 2007 Notice.

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 Division's findings listed above.
- 2) Respondent acknowledges lawful service and receipt of the Notice, that Respondent has requested an administrative hearing which has been scheduled for September 25, 2007, and stipulates to the jurisdiction of the Division in this matter.
- 3) Nothing in this Settlement and Consent Order shall be deemed to prevent the Division or its employees, agents, or assignees 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 the Notice.
- 4) In lieu of proceeding with an administrative hearing on this matter, Respondent agrees to pay a fine for the violation of law described herein in the amount of one thousand five hundred dollars (\$1,500.00). Payment shall be in the form of a cashier's check or money order, made payable to "DFI Consumer Finance," and shall be submitted to the Division at the address indicated above with this Settlement and Consent Order.
- 5) Respondent hereby agrees to forego its administrative remedies, and waive any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 6) The Division hereby cancels said hearing scheduled for September 25, 2007, terminates the Notice of Intent to Deny Respondent's Renewal Application and Notice of Opportunity for Hearing issued July 20, 2007, and approves Respondent's renewal application provided there are no remaining deficiencies.
- 7) This Settlement and Consent Order shall be effective on the date it is signed by the Deputy Superintendent of the Division of Financial Institutions and on such date it will become a final order.
- 8) 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.

- 9) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their shareholders, partners, members, assignees, and successors in interest.
- 10) Respondent releases the Division, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter. Respondent shall not seek attorney fees or other costs arising from the within matter.
- 11) This Settlement and Consent Order shall be considered a public record as that term is used in R.C. 149.43, and may be reported to appropriate organizations, data banks, and governmental bodies, or released to the general public.
- 12) Respondent has been advised by the Division to seek legal counsel if it has any questions concerning the terms and/or effect of this Settlement and Consent Order.
- 13) Respondent must submit this Settlement and Consent Order completed per the terms dictated herein, no later than September 20, 2007.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that the parties to this Settlement and Consent Order shall abide by the terms of this Order as agreed.

Approved and Agreed:

For Respondent:

Payman Tabib
President/CEO of Prime Time Mortgage, Inc.

Date

Secretary of Prime Time, Mortgage, Inc.

Date

For the Ohio Department of Commerce, Division of Financial Institutions:

Richard F. Keck
Acting Deputy Superintendent of Consumer Finance

Date