

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

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| In the matter of: |) | Case No. M2009-38 |
| |) | |
| MARY E. BRADLEY |) | <u>DIVISION ORDER</u> |
| 5944 Churchill Way |) | Order to Cease and Desist |
| Medina, OH 44256 |) | & |
| |) | Notice of Appellate Rights |

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, on October 1, 2010, the Division issued Respondent a Notice which informed her that the Division had conducted an investigation of Respondent and, as a result thereof, alleged as follows:

- A. R.C. 1322.06(A) states: "As often as the superintendent of financial institutions considers it necessary, the superintendent may examine the registrant's records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code." R.C. 1322.06(B) defines "registrant" as "any person whose certificate of registration or license is cancelled, surrendered, revoked or who otherwise ceases to engage in business as a mortgage broker or loan originator."
- B. R.C. 1322.072(A) provides that no person shall knowingly circumvent, interfere with, obstruct or fail to cooperate with any examination or investigation conducted by the superintendent pursuant to sections 1322.01 to 1322.12 of the Revised Code.
- C. R.C. 1322.01(H) defines "operations manager" as "the individual responsible for the everyday operations, compliance requirements, and management of a mortgage broker business."
- D. Respondent was operations manager for former OMBA registrant Lexington Lending & Mortgage Group, Inc., whose certificate of registration was denied on or about November 25, 2008.
- E. In or around October 2008, the Division conducted an examination of Registrant Lexington Lending & Mortgage Group, Inc. pursuant to R.C. 1322.06(A). As part of the examination, the Division's examiner requested that Registrant produce some loan files that had been originated since the date of the last examination which was May 17, 2005.

- F. The registrant knowingly failed to produce any loan files, documents or records pertaining to business transacted pursuant to R.C. 1322.01 to 1322.12 for any time period. Respondent, who was the company's operations manager, failed to cooperate and an examination was never accomplished.
- G. In or around January 2009, the Division contacted Respondent again to obtain the loan files that had been requested in the October 2008 examination. Respondent, who was the company's operations manager, failed to cooperate and an examination was never accomplished.

As a result of the findings listed above, the Division has determined that:

- 1. Respondent's activities as described above violated R.C. 1322.072(A).
- 2. Because Respondent engaged in activities that violated R.C. 1322.072(A), the Division has the authority under R.C. 1322.10(D) to issue Respondent an order to cease and desist.

WHEREAS, the Notice informed Respondent of the Division's intent to issue Respondent an Order to Cease and Desist and of the opportunity for a hearing regarding the Order to Cease and Desist if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order ordering Respondent to cease and desist from engaging in the activities described herein[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on October 1, 2010;

WHEREAS, the Division was unable to obtain service upon Respondent at the address Respondent provided; thus, the Division published the Notice in accordance with R.C. Chapter 119 in the *The Medina Gazette* of Medina County, Ohio, for three (3) consecutive weeks;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent should be ordered to cease and desist from violating R.C. 1322.072(A);

Respondent, Mary E. Bradley shall CEASE and DESIST violating R.C. 1322.072(A).

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Division Order may be appealed by filing a notice of appeal with the Division setting forth the order that Respondent is appealing from and stating that the Division's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may also include,

but is not required to include, the specific grounds for the appeal. The notice of appeal must also be filed with the appropriate court of common pleas in accordance with R.C. 119.12. In filing the notice of appeal with the Division or court, the notice that is filed may be either the original notice or a copy of the original notice. The notice of appeal must be filed within fifteen (15) days after the date of mailing of this Division Order.

Signed and sealed this 29th day of November, 2010.

LEIGH A. WILLIS

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