

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

In the matter of:)	Case No. M2007-62
)	
TRANS-CONTINENTAL)	Notice of Intent to Deny Mortgage Broker Renewal;
MORTGAGE CORPORATION)	Notice of Intent to Fine
1800 Allentown Road)	&
Lima, Ohio 45805)	Notice of Opportunity for a Hearing
)	

JURISDICTION

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

RESPONDENT

TRANS-CONTINENTAL MORTGAGE CORPORATION ("Respondent") holds a mortgage broker certificate of registration issued by the Division. Its business address of record is 1800 Allentown Road, Lima, Ohio 45805.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(A)(1)(a), and pursuant to R.C. Chapter 119, the Division intends to DENY Respondent's application for renewal of its mortgage broker certificate of registration.

BASIS FOR PROPOSED ACTION

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

1. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew an applicant's mortgage broker certificate of registration if the Division finds that the applicant has violated "or failed to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted under a certificate of registration[.]"
2. R.C. 1322.10(A)(2) provides that the Division may 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."
3. R.C. 1322.04(B)(2) provides that a mortgage broker certificate of registration may be renewed only if the operations manager "has completed, during the immediately preceding calendar year, at least six hours of continuing education as required under section 1322.052 of the Revised Code."
4. R.C. 1322.052 requires each person designated to act as the operations manager of a mortgage broker to complete at least six hours of continuing education every calendar year.

5. On or about April 24, 2006, Respondent submitted an application for renewal of its mortgage broker certificate of registration with the Division.
6. Respondent's designated operations manager, Margaret A. Beggin, failed to complete the required 6 hours of continuing education credit for operations managers, for the 2005 calendar year, as required by R.C. 1322.052.
7. On or about June 5, 2006, the Division sent a letter to Respondent notifying them of the deficiency under R.C. 1322.04(B)(2).
8. As of the date of this Notice, the Respondent has not taken any steps to correct the deficiency, nor has it provided the Division with written notification of a newly designated operations manager under R.C. 1322.04(D).
9. Ohio Revised Code Section 1322.04(A)(4) requires every corporation registered as a mortgage broker in the State of Ohio to maintain a license or registration with the Ohio Secretary of State in order to transact business in this state.
10. On or about January 4, 2007, Respondent was notified by the Ohio Secretary of State that the Secretary has cancelled the Articles of Incorporation/Certificate of Authority issued to Respondent, in accordance with Ohio Revised Code Section 5733.20, due to Respondent's nonpayment of the corporate franchise tax within the time required by law.

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

- A. Respondent's actions, as described above, are not in compliance with section 1322.04(B)(2) of the Ohio Mortgage Broker Act.
- B. Respondent is no longer authorized to conduct business in the State of Ohio, as of January 4, 2007, and is not in compliance with R.C. 1322.04(A)(4).
- C. Due to Respondent's failure to comply with R.C. 1322.04(A)(4) and (B)(2), the Division finds that 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(B)(3). See R.C. 1322.04(A)(10) and (B)(3).
- D. Respondent does not meet the conditions for renewal set forth in R.C. 1322.04(B)(2) and (B)(3).
- E. For the violations of law described herein, the Division imposes a fine on Respondent in the amount of two thousand dollars (\$2,000.00).

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 Respondent's application for renewal of its mortgage broker certificate of registration.

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: Ohio Division of Financial Institutions, Attn: Jason K. Wright, Consumer Finance Associate Counsel, 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 revoking Respondent's mortgage broker certificate of registration.

Signed and sealed this 16th day of March 2007.

RICHARD F. KECK

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