

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

In the matter of:)	Case No. M2009-823
)	
LIMES FINANCIAL FUNDING, LTD.)	Notice of Intent to Fine Mortgage Broker Registrant
990 West Poe Road, Suite 11)	&
Bowling Green, OH 43402)	Notice of Opportunity for a Hearing
)	

JURISDICTION

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions (the "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. In accordance therewith, the Division is accountable for the registration of mortgage brokers.

RESPONDENT

LIMES FINANCIAL FUNDING, LTD. ("Respondent") is a limited liability company that holds an active certificate of registration issued by the Division to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's address of record is 990 West Poe Road, Suite 11, Bowling Green, Ohio 43402.

NOTICE OF PROPOSED ACTION

In accordance with R.C. Chapter 119 and R.C. 1322.10(A)(2), the Division intends to impose a fine in the amount of one thousand dollars (\$1,000.00) against Respondent for violating R.C. 1322.07(E).

BASIS FOR PROPOSED ACTION

Pursuant to R.C. 1322.10(B), the Division has conducted an investigation of Respondent. As a result thereof, the Division has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(2) to impose a fine against a mortgage broker registrant of not more than one thousand dollars for each day a violation of a law or rule is committed, repeated, or continued.
- B. R.C. 1322.07(E) prohibits a registrant from knowingly making, proposing, or soliciting fraudulent, false, or misleading statements on any mortgage loan document or on any document related to a real estate appraisal.
- C. OAC 1301:8-7-23(B)(1) provides, in part: "[A] person is attempting to instruct or induce 'a person licensed or certified under Chapter 4763. of the Revised Code for the purpose of corrupting or improperly influencing the independent judgment of the person with respect to the value of the dwelling offered as security for repayment of a mortgage loan' if: (1) In the case of any refinance loan...a registrant, licensee, mortgage broker employee, or person acting at their direction identifies on the appraisal order form or communicates by any other means to any person licensed or certified under Chapter 4763. of the Revised Code either the loan amount or any other express or implied statement of the anticipated or desired

appraisal value. A refinance loan for purposes of this rule provision includes any subsequent first mortgage loan on the borrower's primary residence or other property subject to coverage pursuant to division (A) of section 1322.01 of the Revised Code.

- D. R.C. 1322.07(C) prohibits a registrant from engaging in conduct that constitutes fraudulent, improper, or dishonest dealings.
- E. On or about May 20, 2008, Respondent faxed a Request for Appraisal form to certified appraiser Dan Bukowski requesting an appraisal of property located at 4243 Onandaga, Toledo, Ohio 43614 in relation to a mortgage loan refinance by Robert and Constance Pearce. The Request for Appraisal form stated an estimated value of \$88,000 and a loan amount of \$66,500.00.

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

- 1. Respondent's actions as set forth in paragraph E above violated R.C. 1322.07(C) and (E).
- 2. A fine in the amount of one thousand four hundred dollars (\$1,000.00) is reasonable, appropriate and necessary.

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 imposing a fine of one thousand dollars (\$1,000.00) on Respondent.

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: Anthony D. Siciliano, Consumer Finance General Counsel, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear by Respondent's attorney, 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. At the hearing, a limited liability corporation must have a representative that is permitted to practice before the Division, such as an attorney.

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 imposing a fine in the amount of one thousand dollars (\$1,000.00) on Respondent.

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

LEIGH A. WILLIS

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