

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

In the matter of:)	Case No. M2008-550
)	
BOOKER BURTON)	<u>DIVISION ORDER</u>
dba Quik Funding Mortgage of Ohio)	Denial of Mortgage Broker Certificate
6655 Ayleshire Drive)	of Registration Renewal Application
Solon, OH 44139)	&
)	Notice of Appellate Rights
)	

Respondent, Booker T. Burton dba Quik Funding Mortgage of Ohio (“Respondent”) held a mortgage broker certificate of registration (“Registration”) issued by the Division of Financial Institutions (“Division”) pursuant to the Ohio Mortgage Broker Act. Respondent’s certificate of registration expired on April 30, 2008. On December 11, 2008, the Division issued Respondent a Notice of Intent to Deny 2008 Renewal Application and Notice of Opportunity for Hearing that listed the following findings as a basis for the proposed action:

- A. In or around 2006, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent was convicted of having weapons while under disability, a felony of the third degree.
- B. On or around May 31, 2008, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's mortgage broker certificate of registration renewal application submitted to the Division was complete and truthful when it was not.
- C. On or around May 31, 2008, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information about his criminal background to the Division.
- D. On or around May 30, 2007, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's mortgage broker certificate of registration application submitted to the Division was complete and truthful when it was not.
- E. On or around May 31, 2007, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information about his criminal background to the Division.
- F. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew a mortgage broker certificate of registration if the Division finds that the registrant has violated

“or fail[ed] 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[.]”

- G. R.C. 1322.04(B)(3) provides that a mortgage broker certificate of registration will be renewed annually if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (10) of R.C. 1322.04.
- H. R.C. 1322.04(A)(6) lists as a condition for obtaining a mortgage broker certificate of registration, made a condition for a mortgage broker certificate of registration renewal, that the applicant complies with sections 1322.01 to 1322.12 of the Revised Code.
- I. Respondent has a number of civil judgments against him for which he has not paid or entered into payment arrangements. A number of these civil judgments are results from foreclosure actions on real property. Centurion Capital Corp. v. Booker Burton, Case No. JL-07-290651 (Bedford Municipal Court, \$5,386.97 judgment); Discover Bank v. Booker Burton, Case No. CV 06-586960 (Cuyahoga County Court of Common Pleas, \$13,318.66 judgment); Deutsche Bank National Trust Company v. Booker Burton, Case No. CV 07-620717 (Cuyahoga County Court of Common Pleas, foreclosure); Chase Home Finance LLC v. Booker Burton, Case No. CV- 08-655451 (Cuyahoga County Court of Common Pleas, pending foreclosure); HSBC Bank v. Booker Burton, Case No. CV 06-607310 (Cuyahoga County Court of Common Pleas, foreclosure);
- J. Respondent’s actions, as listed above, show 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. See R.C. 1322.04(A)(10).
- K. Respondent’s actions, as listed in paragraphs A through H above, violated R.C. 1322.07(A), which prohibits an applicant for a mortgage broker certificate of registration or loan officer license from “mak[ing] any substantial misrepresentation in any registration or license application[.]”
- L. Respondent’s actions, as listed in paragraphs A through H above, violated R.C. 1322.07(B), which prohibits an applicant for a mortgage broker certificate of registration or loan officer license from “[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]”
- M. Respondent’s actions, as listed in paragraphs A through H above, violated R.C. 1322.07(C), which prohibits an applicant for a mortgage broker certificate of registration or loan officer license from “[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
- N. Respondent does not meet the renewal requirements set forth in divisions (A)(6) and (10) of R.C. 1322.04.

The December 11, 2008 Notice was sent by certified mail, return receipt requested. On December 16, 2008, the letter in the certified mail envelope was returned to the Division by the United States Post Office marked "forward time expired, return to sender."

On January 6, 2009, the Division received Respondent's request for a hearing, although service of the Notice per R.C. 119.07 had not yet been completed. On January 9, 2009, the Division served a copy of the Notice upon Respondent by personal service at his home address.

On January 9, 2009, the Division sent Respondent a letter scheduling an administrative hearing for January 16, 2009 but continuing the hearing on the Division's motion to February 11, 2009. Respondent appeared at the February 11, 2009 hearing without counsel but moved for a continuance during the hearing so that he could obtain an attorney and his eyeglasses. The hearing was continued to March 31, 2009. On March 30, 2009, Respondent requested a continuance of the March 31, 2009 hearing for health reasons. The hearing was again continued to May 6, 2009. Respondent did not appear personally at the May 6, 2009 hearing but did submit his contentions in writing.

A Report and Recommendation ("Report") was filed with the Division on June 12, 2009, recommending that the Division deny the renewal of Respondent's Registration. The Division sent Respondent a copy of the Report by certified mail on June 12, 2009, but the Report in the certified mail envelope was returned marked "unclaimed" on July 13, 2009. Objections were filed by Respondent on June 30, 2009; however, service of the Report by certified mail had not yet been accomplished. On July 29, 2009, the Division again issued Respondent a copy of the Report by certified mail, which was received on August 10, 2009.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. (A copy of the Report is attached hereto). Following its review of the record, the Division hereby adopts the hearing officer's recommendation. Therefore, the Division denies the renewal application of Booker T. Burton dba Quik Mortgage Funding of Ohio.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

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 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 31st day of August, 2009.

LEIGH A. WILLIS

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