

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

In the matter of:

) Case No. M2009-7

**SUSAN M. MEIMBAN-GAUMER**

) **SETTLEMENT AND CONSENT ORDER**

6367 Piercefield Drive

Mayfield Heights, OH 44143

)

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, Susan M. Meimban-Gaumer ("Respondent") is an individual who holds a loan officer license, LO.002010.000, issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. The Respondent's address of record is 6367 Piercefield Drive, Mayfield Heights, OH 44143. Respondent currently has no employer of record; and

WHEREAS, on January 14, 2009, the Division sent via certified mail a Notice of Intent to Revoke Loan Officer License and Notice of Intent to Fine and Notice of Opportunity for a Hearing ("the Notice") to Respondent; and

WHEREAS, the Notice contained allegations and findings that:

- A. In accordance with R.C. 1322.10(A)(1)(a), the superintendent of the Division may revoke a loan officer license if the superintendent finds that a loan officer has committed a "violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code[.]"
- B. The Division is authorized by R.C. 1322.10(A)(2) to impose a fine upon a licensee of not more than one thousand dollars for each day a violation of a law or rule is committed, repeated, or continued. If a licensee engages in a pattern of repeated violations of a law or rule, the Division may impose a fine of not more than two thousand dollars for each day the violation is committed, repeated, or continued.
- C. Since at least 2006, Respondent was the operations manager of ANMC.
- D. As the operations manager of ANMC, Respondent was responsible for the day to day operations of JEM and compliance with R.C. Chapter 1322 and the rules adopted thereunder. See, R.C. 1322.01(H), R.C. 1322.03(A)(3) and Ohio Admin. Code 1301:8-7-02(L).
- E. In or about 2000, ANMC submitted an application for a certificate of registration in order to transact business under R.C. 1322.01 to 1322.12.
- F. In or around 2000, certificate of registration 3109 (now MB 802223) was issued to ANMC.

- G. R.C. 1322.02(A)(1) requires that "[a] registrant shall maintain an office location in this state for the transaction of business as a mortgage broker in this state."
- H. Since approximately November 14, 2007, Respondent has failed to maintain a registered office in Ohio in violation of R.C. 1322.02(A)(1)
- I. Ohio Admin Code 1301:8-7-19(H)(2) requires that "A registrant shall notify the superintendent of the division of financial institutions of an address change in any of the registrant's registered offices, at least thirty days prior to the effective date[.]"
- J. Since approximately November 14, 2007, Respondent has failed to notify the Division of an address change in the registrant's offices.
- K. The Division is authorized by R.C. 1322.06(A) to examine mortgage broker records that "[pertain] to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code.
- L. R.C. 1322.06(B) requires registrants to "maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code" and prohibits registrants from failing to comply.
- M. In a compliance examination conducted pursuant to R.C. 1322.06 on June 4, 2008, it was determined that Respondent failed to maintain an alphabetical index of buyers as required by Ohio Admin. Code 1301:8-7-06(H)(1).
- N. In a compliance examination conducted pursuant to R.C. 1322.06 on June 4, 2008, it was determined that Respondent failed to maintain records at a registered location as required by Ohio Admin. Code 1301:8-7-06(C).

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

- 1. As operations manager, Respondent was responsible for ANMC'S compliance with R.C. Chapter 1322.
- 2. Because ANMC violated Ohio Admin. Code 1301:8-7-06(H)(1) , Ohio Admin. Code 1301:8-7-19(H)(2), Ohio Admin. Code 1301:8-7-06(C) and R.C. 1322.02(A)(1), Respondent has violated R.C.1322.07(C).
- 3. Because Respondent repeatedly violated R.C.1322.07(C), the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent's loan officer license and to impose a fine.
- 4. A fine of fifteen thousand dollars (\$15,000) is reasonable, appropriate, and necessary for Respondent's violations of R.C. Chapter 1322 and the rules promulgated thereunder.

WHEREAS, Respondent admits the allegations in the Notice and that such conduct constitutes a violation of R.C. 1322.07(C), and agrees to enter into this Consent Order for purposes of settlement.

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 foregoing recitals.

*SMA*

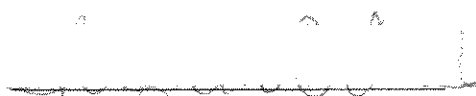
- 2) This Settlement and Consent Order represents a compromise between the parties for the full, complete, and final settlement of all of their claims, differences, and causes of action with respect to the allegations contained in the Notice.
- 3) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their successors in interest.
- 4) Respondent agrees to pay to the Division Three Thousand Dollars (\$3,000.00) as a fine as set forth in this Settlement and Consent Order. In the future, Respondent shall comply with the provisions of Chapter 1322 and the rules adopted thereunder.
- 5) The Division agrees to terminate its Notice of Intent to Revoke Loan Officer License and Notice of Intent to Fine and Notice of Opportunity of Hearing issued January 14, 2009, and agrees that it shall not, as long as Respondent is in compliance with this Settlement and Consent Order, pursue the matters set forth in the Notice through its administrative process. Nothing, however, in this Order shall be deemed to prevent the Division from taking action to enforce any breach of this Order or to prevent the Division or its employees, agents, or assigns 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.
- 6) Respondent acknowledges lawful service and receipt of the Notice, and stipulates to the jurisdiction of the Division in this matter.
- 7) This Settlement and Consent Order shall be effective on the date it is signed by the Superintendent of the Division of Financial Institutions or his designee 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 express or implied, other than those set forth herein, shall be binding on either party.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that:

- A. The parties to this Settlement and Consent Order shall abide by the terms of this Order as agreed.
- B. Respondent shall pay a fine in the amount of Three Thousand Dollars (\$3,000.00). Payment shall be in the form of a cashier's check or money order, made payable to "Treasurer of State" and shall be submitted to DFI with this signed Settlement and Consent Order.
- C. The Division hereby terminates the Notice of Intent to Revoke Loan Officer License and Notice of Intent to Fine and Notice of Opportunity of Hearing issued January 14, 2009. Nothing shall prevent the Division, in the future, from taking any administrative or other action against Respondent for matters not addressed in this Order.

*SME*

Approved and Agreed:

  
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**LEIGH A. WILLIS**

Deputy Superintendent for Consumer Finance  
Division of Financial Institutions

3/4/10  
Date

  
\_\_\_\_\_  
**SUSAN M. MEIMHAN-GAUMER**

Respondent

February 17, 2010  
Date