

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

In the matter of:)	Case No. M2006-9993077
)	
RALPH J. DECK)	Notice of Intent to Deny 2006 Mortgage Broker
dba Advanced Mortgage Financial)	Renewal Application
75 Public Square, Suite 730)	&
Cleveland, OH 44113)	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. In accordance therewith, the Division is accountable for the registration of mortgage brokers.

RESPONDENT

RALPH J. DECK d/b/a Advanced Mortgage Financial ("Respondent") is a company that held a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's mortgage broker certificate of registration expired on April 30, 2006, and Respondent filed an application to renew its certificate of registration. The renewal application remains pending. Respondent's business address of record is 75 Public Square, Suite 730, Cleveland, Ohio 44113.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.04 and 1322.10 of the Revised Code and R.C. Chapter 119, the Division intends to DENY Respondent's 2006 renewal application for a mortgage broker certificate of registration.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.10(B), and has found the following:

- A. 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[.]"
- B. R.C. 1322.04(D) requires a mortgage broker registrant to designate an operations manager if the person designated pursuant to R.C. 1322.03(A)(3) is no longer operations manager and, within ten days thereof, notify the Division in writing of the designation.

- C. Section 1301:8-7-03(C) of the Ohio Administrative Code (“OAC”) requires a registrant, at least thirty days prior to the effective date of an address change, to notify the Division in writing of the new address.
- D. On or about December 15, 2005, the Division received a letter of resignation of Respondent’s operations manager, Roger H. Batt, with an effective resignation date of December 5, 2005.
- E. On December 15, 2005, the Division mailed Respondent the necessary documents required to change the operations manager. The Division requested that Respondent submit a letter within ten (10) days designating an operations manager.
- F. On February 3, 2006, the Division issued a letter to Respondent at its Twinsburg, Ohio, address, via certified mail, informing Respondent that, as of the date of the letter, the Division had not received the documents required for changing the registrant’s operations manager. The February 3, 2006 letter was returned to the Division by the post office and marked: “RETURN TO SENDER, ADVANCED MORTGAGE MOVED LEFT NO ADDRESS, UNABLE TO FORWARD.”
- G. On March 10, 2006, the Division mailed Respondent at its Twinsburg, Ohio, address the 2006 mortgage broker and loan officer renewal invoice and applications. This packet was returned to the Division by the post office and marked: “RETURN TO SENDER, DECK MOVED LEFT NO ADDRESS, UNABLE TO FORWARD.”
- H. On April 13, 2006, Respondent submitted a Mortgage Broker Relocation Application indicating that the date of its proposed relocation to its address in Cleveland, Ohio, from its previous Twinsburg, Ohio, address was April 10, 2006.
- I. On May 1, 2006, Respondent provided the Division with written notification of a newly designated operations manager with the submission of its Request to Change Operations Manager. The Request is currently pending.
- J. From December 6, 2005 to April 30, 2006, Respondent operated as a mortgage broker without designating an operations manager in violation of R.C. 1322.04(D).
- K. Respondent violated OAC 1301:8-7-03(C) by failing to timely notify the Division of its change of address.

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

- 1. Because Respondent failed to comply with R.C. 1322.03(A)(3), R.C. 1322.04(D), and OAC 1301:8-7-03, the Division finds 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 mortgage broker certificate of registration renewal found in R.C. 1322.04(B)(3). See R.C. 1322.04(A)(10) & (B)(3).

2. Because Respondent failed to comply with R.C. 1322.03(A)(3), R.C. 1322.04(D), and OAC 1301:8-7-03, the Division finds that Respondent's 2006 mortgage broker certificate of registration renewal application should be denied pursuant to R.C. 1322.10(A)(1)(a).

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 renewal application under the Ohio Mortgage Broker Act.

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 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. At the hearing, a corporation must have a representative that is permitted to practice before the Agency, 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 denying Respondent's renewal application.

Signed and sealed this 2nd day of October 2006.

ROBERT M. GRIESER
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce