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DIVISION OF FINANCIAL
INSTITUTIONS
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STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

In the matter of:

ADRIENNE SINCLAIR

dba Fast Mortgage Services
6611 Rockside Road, Suite 200
Independence, OH 44131

)
) **Case No. 2007-134MBD**
)
)
)
) **DIVISION ORDER**
) **Denial of Mortgage Broker Renewal &**
) **Notice of Appellate Rights**

WHEREAS, 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, as amended and codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division finds that this order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, Adrienne Sinclair dba Fast Mortgage Services ("Respondent") held a mortgage broker certificate of registration (MB # 2499) issued by the Division pursuant to R.C. Chapter 1322, which authorized Respondent to conduct mortgage broker business only at 6611 Rockside Road, Suite 200, Independence, OH 44131. In April of 2007, Respondent submitted a 2007 mortgage broker annual renewal application to renew her certificate of registration. Respondent's renewal application was pending on August 9, 2007; and

WHEREAS, on August 9, 2007, an investigator employed by the Division attempted to serve a subpoena duces tecum and in personam upon Respondent at the Rockside Road address and discovered that Respondent's only authorized registered business location was no longer occupied by the Respondent.

WHEREAS, on August 17, 2007, the Division issued a Notice of Intent to Deny Renewal of Mortgage Broker Certificate of Registration & Notice of Opportunity for a Hearing which informed Respondent that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. On August 9, 2007, the Division as part of its investigation into the conduct of the Respondent attempted to personally serve a subpoena in personam and subpoena duces tecum upon Adrienne Sinclair dba Fast Mortgage that sought Ms. Sinclair's deposition and all loan files related to mortgage transactions closed in 2003 and 2004 involving Respondent, dba Fast Mortgage Services and borrower Shellie Lewis.

2. The location where the Respondent's business was licensed and at which she sought to renew her license, 6611 Rockside Road, Suite 200, Independence, Ohio 44131, was no longer occupied by the Respondent, but instead was in use by a company unrelated to the Respondent.
3. According to the building management of 6611 Rockside Road, Independence, Ohio, Respondent left the premises over four months previous to the 2007 August subpoena.
4. Respondent has no other authorized registered business locations for her mortgage broker business other than for her office at 6611 Rockside Road, Suite 200, Independence, Ohio 44131. Nor does Respondent have any pending change of office location application request before the Division.
5. The Ohio Mortgage Broker Act at R.C. 1322.02(A)(1) provides that: "A registrant shall maintain an office location in this state for the transaction of business as a mortgage broker in this state."
6. At the Division's direction, an investigator of the Division, acting as an authorized representative of the superintendent of financial institutions, appeared at the licensed location of Respondent's office to investigate the status of the business and personally serve the subpoena to obtain documents and testimony on matters under investigation by the Division. The Division's investigator's attempt to serve the subpoena on the Respondent was made during regular business hours between nine a.m. and five p.m. on August 9, 2007, which was the second Thursday of that month.
7. Ohio Admin. Code 1301:8-7-13(D) provides that "each registrant shall maintain office hours from nine a.m. to five p.m. on the second Thursday of the following months: February, April, June, August, October, and December. Should the superintendent of financial institutions or his authorized representatives appear at the office of a registrant to conduct an examination or investigation at any time between nine a.m. to five p.m. on any of these six days and be denied access to any office, record or file for any reason, such denial may be considered a violation of division (A) of section 1322.072 of the Revised Code."
8. Previous attempts as part of the Division's investigation to serve a subpoena upon the Respondent by certified mail were returned to the Division, and previous attempts to provide for personal service of a subpoena both to Respondent's office and to her home address registered with the Division were unsuccessful, the former due to the office not being open during a regular weekday hours, the latter due to persons at the listed residential address of 3808 Fairway Park Drive, Apt. 107, Copley, OH 44321 denying to an identified representative of the Division that Respondent lived, or to their knowledge ever lived, at that address at which they claimed they had resided at for over a year.

9. The Respondent through her failure to maintain an open office known to the Division as required by O.A.C. 1301:8-7-13(D) denied access to the files sought in the Division's investigation and subpoena.
10. Respondent's violation of O.A.C. 1301:8-7-13(D) constitutes a violation of R.C. 1322.072(A).
11. Respondent has failed to maintain an office in Ohio for the transaction of business as a mortgage broker in violation of R.C. 1322.02(A)(1).
12. Because of Respondent's failure to maintain an office in Ohio for the transaction of business as a mortgage broker in violation of R.C. 1322.02(A)(1), and her violation of O.A.C. 1301:8-7-13(D) and R.C. 1322.072(A), 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. See R.C. 1322.04(A)(10) and R. C. 1322.04(B)(3).
13. Because Respondent has failed to comply with sections R.C. 1322.01 to 1322.12, the Ohio Mortgage Broker Act has not been complied with and according to R.C. 1322.10(A) the Division has the authority to refuse to renew Respondent's certificate of registration.
14. Because Respondent did not meet the condition outlined in R.C. 1322.04(A)(6) and R.C. 1322.04(B)(3), the Division has the authority to refuse to renew Respondent's certificate of registration.

WHEREAS, the Respondent was served with the Notice by certified mail on August 20, 2007 and was informed of the Division's intent to deny renewal of her mortgage broker certificate of registration and of the opportunity for a hearing regarding the denial if requested within thirty days from the date of the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the publication of this Notice, the Division will issue an Order denying Respondent's 2007 Mortgage Broker Certificate of Registration Renewal Application."

WHEREAS, upon being so served on August 20, 2007, Respondent failed to request a hearing, thereby failing to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent's application to renew her certificate of registration to conduct business as a mortgage broker should be denied;

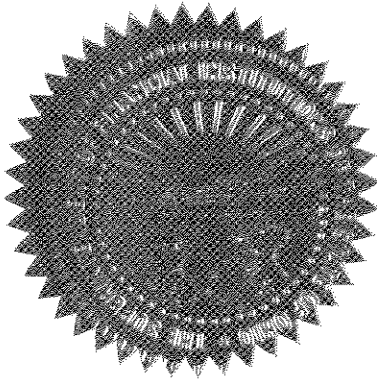
For the above stated reasons, the Division hereby denies renewal of the mortgage broker certificate of registration of Adrienne Sinclair dba Fast Mortgage Services (MB # 2499).

IT IS SO ORDERED.

NOTICE OF RIGHT TO APPEAL

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, pursuant to R.C. 119.12, 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 26th day of SEPTEMBER, 2007.





Richard F. Keck

Acting Deputy Superintendent for Consumer Finance
Division of Financial Institutions