

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

In the matter of:)	Case No. M2010-17
)	
AMERICAN MORTGAGE EXPRESS)	<u>DIVISION ORDER</u>
FINANCIAL SERVICE, INC.)	Mortgage Broker Revocation and Fine
d/b/a American Mortgage Express)	&
305 Darlene Street)	Notice of Appellate Rights
Centerburg, OH 43011)	

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as 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, American Mortgage Express Financial Service, Inc. d/b/a American Mortgage Express ("Respondent") is an Ohio corporation that holds a certificate of registration pursuant to R.C. Chapter 1322; and

WHEREAS, on April 12, 2010, the Division issued Respondent a Notice which informed it that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. On or about July 29, 2009, the Division conducted an examination of Respondent's mortgage broker records. During the course of the examination, the Division examiner found that three mortgage refinance loans on primary residences were originated by loan officer Richard E. Bloom ("loan officer Bloom"), LO.006448.
2. The records obtained during the examination indicated that on or about November 5, 2008, loan officer Bloom originated a federal housing administration refinance loan on the primary residence of a borrower named Rosenau on behalf of Respondent.
3. The records obtained during the examination indicated that on or about December 15, 2008, loan officer Bloom originated a conventional mortgage refinance loan on the primary residence of a borrower named White on behalf of Respondent.
4. The records obtained during the examination indicated that on or about January 16, 2009, loan officer Bloom originated a conventional mortgage refinance loan on the primary residence of a borrower named Langley on behalf of Respondent.
5. In calendar years 2008 and 2009, loan officer Bloom renewed his license in escrow. In letters dated July 2, 2008 and June 16, 2009, the Division informed loan officer Bloom that because he renewed his loan officer license in escrow, "[he would] not

be issued a printed a license until [he was] employed by a company registered under the OMBA and transfer [his] license to that company. [loan officer Bloom] may not work as a mortgage broker loan officer while [his] license [was] in escrow.”

6. At no time in calendar years 2008 and 2009 did Respondent submit an application to transfer loan officer Bloom’s license to Respondent or seek written confirmation that loan officer Bloom was authorized to work as a loan officer.
7. Respondent’s actions as alleged herein constitute violations of R.C. 1322.031(E)(2) [now R.C. 1322.031(H)(2)].
8. Respondent’s actions as alleged herein constitute violations of R.C. 1322.07(C).
9. Because Respondent violated or failed to comply with R.C. sections 1322.031(E)(2) [now R.C. 1322.031(H)(2)] and R.C. 1322.07(C), the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent’s mortgage broker certificate of registration.
10. Because Respondent committed violations of R.C. 1322.031(E)(2) [now R.C. 1322.031(H)(2)] and R.C. 1322.07(C), the Division may impose a fine up to two thousand dollars (\$2,000.00) for each of Respondent’s violations.
11. Respondent violated R.C. 1322.031(E)(2) [now R.C. 1322.031(H)(2)] and R.C. 1322.07(C), Respondent’s certificate of registration should be revoked pursuant to 1322.10 (A)(1)(a) and a fine of six thousand dollars (\$6,000.00) should be imposed pursuant to R.C. 1322.10(A)(2).
12. A fine of six thousand dollars (\$6,000.00) is reasonable, appropriate and necessary.

WHEREAS, the Notice informed Respondent of the Division’s intent to revoke and fine Respondent and of the opportunity for a hearing regarding the revocation and fine if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that if the Ohio Division of Financial Institutions did not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of the Notice, the Superintendent would issue an order revoking Respondent’s certificate of registration and imposing a fine of six thousand dollars (\$6,000.00) on Respondent;

WHEREAS, the Notice was mailed to Respondent, via certified mail, on April 12, 2010, and service was perfected;

WHEREAS, Respondent timely requested a hearing and the hearing was scheduled for June 17, 2010;

WHEREAS, by letter dated May 6, 2010, Respondent withdrew its request for a hearing and admitted that loan officer Bloom worked as a loan originator for Respondent and that Respondent failed to transfer loan officer Bloom’s license to Respondent;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent's certificate of registration should be revoked and a six thousand dollar (\$6,000.00) fine should be imposed;

Respondent, American Mortgage Express Financial Service, Inc.'s certificate of registration is hereby revoked, and American Mortgage Express Financial Service, Inc. is ordered to pay the Division a fine in the amount of six thousand dollars (\$6,000.00). Payment shall be in the form of a cashier's check or money order, made payable to "Treasurer of State," and, within ninety (90) days of Respondent's receipt of this Order, shall be submitted with a copy of this Order to: Ohio Division of Financial Institutions, Attn: Lori A. Massey, Consumer Finance Attorney, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

IT IS SO ORDERED.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 26th day of May, 2010.

LEIGH A. WILLIS

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