

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

In the matter of:) Case No. M2008-629
)
JONATHAN M. SIZEMORE) **Notice of Intent to Issue Order to Cease & Desist**
60 North Dockside Drive) &
Springboro, Ohio 45066) **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 ("OMBA"), codified in Ohio Revised Code ("R.C.") Chapter 1322.

RESPONDENT

JONATHAN M. SIZEMORE ("Respondent") is an individual who held a loan officer license issued pursuant to Chapter 1322. Respondent's loan officer license was placed into "escrow" status on or about June 27, 2008. Respondent's address of record is 60 North Dockside Drive, Springboro, Ohio 45066.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(D) and R.C. Chapter 119, the Division intends to issue Respondent an ORDER TO CEASE & DESIST holding himself out as a Senior Mortgage Consultant for Mortgage Consultants of 26510 Harper Avenue, St. Clair Shores, MI 48081 while his license is in "escrow" status which is a violation of R.C. 1322.

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. R.C. 1322.031(E)(1) requires loan officers to principally transact business at the office of the mortgage broker that employs him or her.
- B. Oho Admin. Code 1301: 8-7-08(C)(3) provides that a loan office license placed in "escrow" is an inactive license and prohibits an individual with a license placed in escrow from originating residential mortgage loans. It is a violation of R.C. 1322.02(B) for an individual to engage, participate or assist in any way in any conduct or activity which requires a loan officer license as identified in Oho Admin. Code 1301: 8-7-08(B).
- C. R.C. 1322.07(C) prohibits a loan officer from engaging in conduct that constitutes improper, fraudulent or dishonest dealings.

- D. On or about April 28, 2008, Respondent submitted an application to renew his loan officer license and indicated that he wanted his license placed into escrow.
- E. On or about June 27, 2008, the Division notified Respondent by letter that his loan officer license was renewed for the 2008/2009 calendar year and placed into escrow, that no license would be printed until he was employed by a mortgage broker registrant and cautioned Respondent that while his license was placed in escrow, he was not permitted to work as a loan officer.
- F. In or around July 2008, the Division became aware that Respondent had distributed advertisements that indicated Respondent was a Senior Mortgage Consultant for Mortgage Consultants of St. Clair Shores, Michigan and could refinance or consolidate adjustable rate mortgages.
- G. Mortgage Consultants is not registered under Chapter 1322.
- H. On or about August 1, 2008, the Division sent Respondent a letter that requested him to provide proof of the exemption he claimed from R.C. 1322 associated with his advertisements distributed in or around July 2008. Respondent was to respond in fourteen (14) days after receipt of the Division's letter. Respondent did not respond.

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

- 1. Respondent's activities as described above violated R.C. 1322.031(E), Ohio Admin. Code 1301: 8-7-08(C)(3) and R.C. 1322.07(C).
- 2. Because Respondent engaged in activities that violated R.C. 1322.031(E), Ohio Admin. Code 1301: 8-7-08(C)(3) and 1322.07(C), the Division has the authority under R.C. 1322.10(D) to issue Respondent an order to cease and desist.

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 ordering Respondent's to cease and desist from engaging in the activities described herein.

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: Lori A. Massey, Consumer Finance Attorney Examiner, 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.

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 ordering Respondent to cease and desist from engaging in the activities described herein.

Signed and sealed this 14th day of May, 2009.

LEIGH A. WILLIS

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