

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

CHECK NO. 2445496
AMOUNT \$2,500.00
DATE 12-5-03
REC. BY sdL

RECEIVED
DIVISION OF FINANCIAL
INSTITUTIONS
2003 DEC -5 PM 12:27

In the matter of:

CHARLES L. BRICKMAN
1881 Drew Avenue
Columbus, OH 43235

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) Case No. 03-LO-D-121-122
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SETTLEMENT AND
CONSENT ORDER

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, Charles L. Brickman ("Respondent") is an Ohio resident seeking to become registered with the Division as a mortgage loan officer pursuant to R.C. Chapter 1322. Respondent was previously the owner and operations manager for Realm Mortgage & Financial, a mortgage broker licensed with the Division with its main office located at 1830 Bethel Road, Columbus, Ohio 43220 (registration no.# MB 1197); and

WHEREAS, on September 2, 2003, the Division sent via certified mail a Notice of Intent to Deny Loan Officer License and Notice of Opportunity for a Hearing ("the Notice") to Charles L. Brickman ("Respondent") to his home address of 1881 Drew Avenue, Columbus, Ohio 43235; and

WHEREAS, the Notice contained allegations and findings that:

- (A) Respondent was the operations manager for Realm Mortgage and Finance, and as operations manager was by law personally responsible for said company's operations and compliance pursuant to R.C. 1322.01(H).
- (B) Respondent filed an application on behalf of Realm Mortgage & Financial to open a branch office under the trade name of Mortgage Tech Express at 5167 Ainsley Drive, Westerville, Ohio 43082 (registration no.# MB 3708).
- (C) Respondent later took employment with another mortgage lender and thus Realm Mortgage & Financial effectively ceased to operate at its licensed Bethel Road location in Columbus. However, its operations continued at its Ainsley Drive location in Westerville, Ohio dba Mortgage Tech Express.

(D) The mortgage brokerage business of Realm Mortgage & Financial for which Respondent was responsible for supervising compliance was conducted at the Ainsley Drive location by an employee who was not a licensed loan officer as required by law. By permitting his company's branch to broker loans without a licensed loan officer, Respondent engaged in improper conduct, in violation of R.C. 1322.07(C) and such conduct warrants refusal to issue a loan officer license pursuant to R.C. § 1322.10(A)(1)(a).

(E) As a result of Respondent's actions, mortgage loans were brokered in violation of R.C. § 1322.02(A) by a company that Respondent owns and controls. Respondent, Charles L. Brickman, was personally responsible for his company's violation of R.C. § 1322.02(A) and such conduct warrants refusal to issue a loan officer license pursuant to R.C. § 1322.10(A)(1)(a).

(F) Respondent, Charles L. Brickman, based upon the conduct set forth in the Notice, does not have the required general fitness to command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the Mortgage Broker Act and that such finding both warrants and requires the refusal to issue the requested loan officer license pursuant to R.C. § 1322.041(A)(5).

WHEREAS, Respondent admits that loans were brokered at his company's branch office by a person unauthorized by law to do so, but otherwise denies the allegations and contentions of the Division set forth in the Division's Notice and as outlined above. Respondent further avers that he acted under the erroneous belief that his listing of John Manary as his branch office's operations supervisor on Realm Mortgage & Financial's 2002 branch application would qualify said employee as the company's designated operations manager and obviate the need for a loan officer license. Respondent further avers and contends that he continued to review the transactions of his company's branch and retained control of all accounts, but to avoid the cost and uncertainty of litigation 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.
- 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 shareholders, partners, members, assigns, and successors in interest.
- 4) Respondent, in consideration of the mutual agreements set forth herein, and for purposes of settlement, agrees to refrain from conducting mortgage broker business for a period of six months and pay the fine as set forth herein.
- 5) Respondent, in consideration of the mutual agreements set forth herein, and for purposes of settlement, further agrees to a ban from serving or applying to serve as an

operations manager pursuant to R.C. §1322.03 or as an owner of a mortgage broker registrant for a period of two years from the date of this Order.

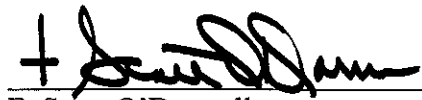
- 6) The Division hereby terminates its Notice of Intent to Deny Mortgage Loan Officer License and Notice of Opportunity of Hearing issued September 2, 2003, and agrees that it shall not, as long as Respondent is in compliance with this Settlement and Consent Order pursue the matters set forth in such Notice through its administrative process. Nothing, however, in this order shall be deemed 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 in the Notice.
- 7) The Division hereby agrees to apply Respondent's suspension from mortgage broker activities dating from May 15, 2003 to present.
- 8) Except as specifically set forth herein, nothing in this Settlement and Consent Order shall be deemed an admission of guilt or liability, or agreement with the allegations set forth in the Notice on the part of Respondent.
- 9) Respondent acknowledges lawful service and receipt of the Notice, and stipulates to the jurisdiction of the Division in this matter.
- 10) The Respondent hereby agrees to forego his administrative remedies, and waive any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 11) This Settlement and Consent Order shall be effective on the date it is signed by the Superintendent of the Division of Financial Institutions and on such date it will become a final order.
- 12) 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 expressed 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. The Respondent shall refrain from soliciting mortgage business or otherwise engaging in the mortgage broker business in Ohio for a period of six months, and shall be enjoined from acting or seeking to act as an operations manager or owner of a mortgage broker registrant for a period of two years as set forth herein.

- C. The Respondent shall comply with the requirements of the Ohio Mortgage Broker Act, R.C. § 1322.01 et seq. and seek to restrain and promptly report to the Division any employee under his supervision who improperly acts as a mortgage loan officer in Ohio without a license as required by law.
- D. The Respondent is hereby assessed a fine in the amount of Five Thousand Dollars (\$5,000) one half of which shall be suspended upon the Respondent's full compliance with this order during the proceeding five years. Respondent shall pay the unsuspended amount of Two Thousand Five Hundred Dollars (\$2,500) to the Consumer Finance Fund pursuant to R.C. § 1322.21 within ten days of the effective date of this Settlement and Consent Order unless otherwise agreed to by the Division. Payment shall be made by certified check or money order made payable to the Ohio Division of Financial Institutions delivered to the Division's counsel.

The Respondent understands that any breach of this Settlement and Consent Order will subject the Respondent to the immediate payment of the suspended portion of the fine set forth herein and may result in the reinstitution of administrative proceedings, including suspension or revocation, the imposition of additional fines and any other remedy available to the Division.


F. Scott O'Donnell
Superintendent of Financial Institutions

12.5.03
Date

Approved and Agreed

Charles L. Brickman

By: _____

Date

Its: _____

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F. Scott O'Donnell
Superintendent of Financial Institutions

Date

Approved and Agreed

Charles L. Brickman

By: Charles L. Brickman

12/5/03
Date

Its: _____