

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

In the matter of:

ANTHONY B. PINSON
5239 South Minster Road
Columbus, OH 43221

)
) **Case No. 06-2967**
)
)
) **Notice of Intent to Revoke**
) **Loan Officer License &**
) **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 enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322 and the rules adopted thereunder.

RESPONDENT

Respondent Anthony B. Pinson ("Respondent") holds a loan officer license (LO# 012928) issued by the Division pursuant to R.C. 1322. Respondent's employer of record was The Mortgage Firm, Inc., whose office operates under certificate of registration number MB 2179. Respondent's home address of record is 5239 South Minster Rd., Columbus, OH 43221 and his date of birth is March 4, 1974.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10, and pursuant to R.C. Chapter 119, the Division intends to REVOKE Respondent's loan officer license.

ALLEGATIONS

Pursuant to R.C. 1322.10(B), the Division conducted an investigation into the affairs of Respondent, and as a result thereof, alleges the following:

1. On or around November 2005, Respondent was employed by The Mortgage Firm, Inc.
2. On or about November 2005, Respondent arranged to refinance a residential mortgage in the sum of \$43,376.00 on residential property located at 3737 Newell Dr., Columbus, OH 43228 owned by Vickie and Dimitrios Papadimitriou. Respondent arranged for a loan

secured by said consumers' residence which loan was closed on December 2, 2005 at the Papadimitriou's family-owned business. Several days after closing on the loan, on or about December 8, 2005, Respondent entered the Papadimitrou's place of business and requested \$2,000 claiming it was the fee for his services and for the appraisal. As requested, the Papadimitriou wrote a check dated December 8, 2005 payable to Anthony Pinson for the amount of \$2,000 with the notation "loan closer fee" on the memo line. The \$2,000 check was cashed and converted to Respondent's personal use. The money was not applied toward the appraiser fee or to the loan origination fees as claimed by the Respondent.

3. The Ohio Revised Code 1322.07 states in part:

No...licensee or applicant for a...license under sections 1322.01 to 1322.12 of the Revised Code shall...

(B) [m]ake false or misleading statements of material fact, omissions of statements required by state law, or false promises regarding a material fact, through advertising or other means, or engage in a continued course of misrepresentation;

(C) [e]ngage in conduct that constitutes improper, fraudulent, or dishonest dealings....

4. Respondent has violated R.C. 1322.07(B) making false and misleading statements which led the borrowers to believe they owed additional fees for the mortgage loan that were not disclosed in the final HUD Settlement Statement or Federal Truth in Lending Statement provided at the closing.
5. All loan origination fees, mortgage broker fees, and appraisal fees must by federal law be disclosed on the final HUD Settlement Statement provided to the borrowers at closing. (12 U.S.C. § 2603; 24 CFR 3500.8(a) and (b), Appendix A).
6. All loan origination fees and mortgage broker fees in the transaction at issue are finance charges that must be disclosed in accordance with the Federal Truth in Lending Act. (15 U.S.C. § 1605(a); 12 CFR 226.4(a)(3) and (b)(3)). Failure to properly account for these fees renders the Annual Percentage Rate disclosed to the borrowers under the TILA inaccurate.
7. Respondent has violated R.C. 1322.07(C) by accepting payment for fees and services that were already paid at closing and converting that money to his own personal use.
8. According to R.C. 1322.10(A)(1), the Superintendent of Financial Institutions may revoke a loan officer license if the superintendent finds a violation of or failure to comply with any provision of R.C. 1322.01 to R.C. 1322.12.

FINDINGS

1. By making false and misleading statements to the Papadimitrious that additional fees were due and owing after closing when, in fact, that was not the case, Respondent has violated R.C. 1322.07(B).
2. By requesting and obtaining additional fees after closing, Respondent rendered inaccurate the final HUD Settlement Statement and the Federal Truth in Lending Statement in violation of R.C. 1322.07(C).
3. By cashing the \$2,000 check provided by the borrowers outside of closing and converting the money to his own personal use, Respondent has engaged in conduct that is improper, fraudulent and dishonest in violation of R.C. 1322.07(C).
4. Based upon the authority granted pursuant to R.C. § 1322.10(A)(1) by Respondent's violations of R.C. 1322.07(B) and (C), the superintendent may revoke Respondent's loan officer license.

PROPOSED ACTION

Based upon the allegations and findings above, the Division intends to REVOKE the loan officer license of Anthony B. Pinson (LO# 012928).

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 REVOKING the loan officer license of Anthony B. Pinson (LO# 012928).

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 to:

**State of Ohio
Department of Commerce
Division of Financial Institutions
Attn: Attorney Timothy C. Winslow
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 REVOKING the loan officer license of Anthony B. Pinson (LO# 012928).

Signed and Sealed this _____ day of _____, 2006.

Robert M. Grieser
Deputy Superintendent of Financial Institutions

cc: Timothy C. Winslow, In House Counsel—Division of Financial Institutions
Matt Lampke, Asst. Attorney General, Business & Government Regulation