

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

In the matter of:)	Case No. M2007-653
)	
TGAAMC, LLC)	Notice of Intent to Fine Mortgage Broker Registrant
dba Neighborhood Mortgage Services)	&
10945 Reed Hartman Hwy., Ste. 322)	Notice of Opportunity for a Hearing
Cincinnati, OH 45242)	
)	

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, codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder.

RESPONDENT

TGAAMC, LLC ("Respondent") is a limited liability company that holds an active certificate of registration issued by the Division to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's present address of record is 10945 Reed Hartman Hwy., Suite 322, Cincinnati, Ohio 45242.

NOTICE OF PROPOSED ACTION

In accordance with R.C. Chapter 119 and R.C. 1322.10(A)(2), the Division intends to levy a fine in the amount of one thousand four hundred dollars (\$1,400.00) against Respondent for violating R.C. 1322.04(D).

BASIS FOR PROPOSED ACTION

Pursuant to R.C. 1322.10(B), the Division has conducted an investigation of Respondent. As a result thereof, the Division has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(2) to impose a fine against a mortgage broker registrant of not more than one thousand dollars for each day a violation of a law or rule is committed, repeated, or continued.
- B. R.C. 1322.03(A)(3) requires a mortgage broker applicant that is a limited liability company to designate an operations manager.
- C. If the person designated as the operations manager pursuant to R.C. 1322.03(A)(3) is no longer operations manager, the mortgage broker registrant must designate another person as the operations manager within thirty days and, within ten days thereof, notify the division in writing of the designation. See R.C. 1322.04(D) and Section 1301:8-7-12(I) of the Ohio Administrative Code.

- D. On or about September 21, 2007, the Division received a "Mortgage Broker Change of Operations Manager" application ("Application") from respondent indicating that its operations manager, Gary T. Cook, had ceased being its operations manager on January 29, 2007. The Application designated Earl C. Paeltz as the proposed operations manager. Prior to September 21, 2007, the Division had not received notification of the departure of Gary T. Cook or the designation of Earl C. Paeltz as the proposed operations manager.
- E. Since January 29, 2007, Respondent has been operating as a mortgage broker registrant without a designated and/or approved operations manager in violation of R.C. 1322.03(A)(3), R.C. 1322.04(D), and OAC 1301:8-7-12(I).

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

- 1. Because from January 29, 2007 through September 21, 2007, Respondent violated R.C. 1322.03(A)(3), R.C. 1322.04(D) and OAC 1301:8-7-12(I), the Division has the authority to impose a fine against Respondent.
- 2. A fine in the amount of one thousand four hundred dollars (\$1,400.00) is reasonable, appropriate and necessary.

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 imposing a fine of one thousand four hundred dollars (\$1,400.00) on Respondent.

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: Anthony D. Siciliano, Consumer Finance Staff Attorney, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear by Respondent's attorney, 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 imposing a fine in the amount of one thousand four hundred dollars (\$1,400.00) on Respondent.

Signed and sealed this 22nd day of October 2007.

LEIGH A. WILLIS

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