

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

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| In the matter of: |) | Case No. M2010-935 |
| |) | |
| LEWIS HUNT ENTERPRISES, INC. |) | ORDER OF SUMMARY SUSPENSION, |
| d/b/a Interactive Financial Corp.; |) | NOTICE OF INTENT TO REFUSE RENEWAL |
| Alliance Capital Mortgage Group |) | & |
| 3250 West Big Beaver Rd., Ste. 300 |) | NOTICE OF HEARING |
| Troy, MI 48084 |) | |
| |) | |

DIVISION 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 administering and enforcing the Ohio Mortgage Broker Act ("OMBA"), codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the registration of residential mortgage brokers; and

WHEREAS, Lewis Hunt Enterprises, Inc. ("Respondent") was an Ohio-registered corporation that holds a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent, whose business address is located at 3250 West Big Beaver Road, Suite 300, Troy, MI 48084, conducted business under certificate of registration number MB.802635. Respondent also holds a registration for one branch office located at 444 Easton Way, 2nd floor, Columbus, OH 43219, from which it conducts business under the OMBA and to which this Order also applies; and

WHEREAS, R.C. 1322.10(F)(1)(b) provides that the Division may, in the public interest, suspend, without a prior hearing, the certificate(s) of registration of a mortgage broker registrant that fails to maintain its bond as required by R.C. 1322.05(F); and

WHEREAS, Respondent's bond through Washington International Insurance Company, bond no. S-700 5237, expired on April 30, 2010 and has not been renewed;

WHEREAS, Respondent is without a bond in violation of R.C. 1322.05(A) and (F), and it is in the public interest to suspend Respondent's certificates of registration pursuant to its authority under R.C. 1322.10(F)(1)(b); and

THEREFORE, pursuant to R.C. 1322.10(F)(1)(b), mortgage broker certificate of registration numbers 802635 and 802635.012-BR issued to Respondent are hereby **SUSPENDED**.

It is so ordered.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(A)(1)(a), and pursuant to R.C. Chapter 119, the Division intends to REFUSE to renew Respondent's mortgage broker certificates of registration.

BASIS FOR PROPOSED ACTION

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

- A. On or about April 29, 2010, Respondent filed an application with the Division to renew its certificate of registration to conduct business as a mortgage broker in the State of Ohio.
- B. In accordance with R.C. 1322.10(A)(1)(a), the superintendent of the Division may refuse to renew a mortgage broker's certificate of registration if the superintendent finds "a violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of Revised Code or the rules adopted under those sections or any other federal lending law applicable to the business conducted under a certificate of registration."
- C. R.C. 1322.03(A)(7) requires every foreign business entity registered as a mortgage broker in the State of Ohio to maintain a license or registration with the Ohio Secretary of State in order to transact business in this state.
- D. R.C. 5733.20 requires the Ohio Secretary of State to cancel a corporation's Articles of Incorporation upon certification by the Ohio Department of Taxation of such corporation's failure to file a return or failure to pay the appropriate tax or fee.
- E. R.C. 5733.20 provides that, upon cancellation, "all the powers, privileges, and franchises conferred upon such corporation by such articles of incorporation or by such certificate of authority shall cease," subject to R.C. 1701.88, which proscribes that the corporation "shall cease to carry on business and shall do only such acts as are required to wind up its affairs, or to obtain reinstatement..."
- F. On or about May 4, 2009, Respondent was notified by the Ohio Secretary of State that the Secretary had cancelled the Articles of Incorporation/Certificate of Authority issued to Respondent, in accordance with R.C. 5733.20, due to Respondent's nonpayment of the corporate franchise tax within the time required by law.
- G. As of May 4, 2009, Respondent was no longer authorized to conduct business in the State of Ohio.
- H. Because Respondent has failed to comply with R.C. 1322.03(A)(7), the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse to renew Respondent's mortgage broker certificate of registration.
- I. Respondent's bond through Washington International Insurance Company, bond no. S-700 5237, expired on April 30, 2010 and has not been renewed;

- J. Because Respondent failed to comply with R.C. 1322.05(F), which requires mortgage broker registrants to maintain a bond, the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse to renew Respondent's mortgage broker certificate of registration;

As a result of the findings listed above, the Division has determined that Respondent's mortgage broker renewal application should be REFUSED, pursuant to R.C. Section 1322.10(A)(1)(a).

NOTICE OF HEARING

Therefore, pursuant to R.C. 1322.10(F)(3), R.C. Chapter 119 and Section 1301:8-7-27 of the Ohio Administrative Code, Respondent is hereby notified that a hearing shall be held on **Wednesday, January 5, 2011 at 9:30 a.m.** on the continuation or termination of the suspension imposed herein and on the Notice of Intent to Refuse to Renew your mortgage broker certificates of registration. **Said hearing will be held in Room 1908, located on the 19th floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio 43215.**

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. At the hearing, a corporation must have a representative that is permitted to practice before the Agency, such as an attorney.

Signed and sealed this 10th day of December, 2010.

CAROLYN L. BRADFORD
Superintendent
Division of Financial Institutions
Ohio Department of Commerce