

77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

ADAM J. CASBARRO
2787 Hutson Ln..
Hilliard, OH 43026

)
) **Case No. 06-3333**
)
) **Notice of Intent to Revoke**
) **Loan Officer License and Assess Fine &**
) **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 Adam J. Casbarro ("Respondent") holds an active loan officer license (LO# 24292) issued by the Division pursuant to R.C. 1322. Respondent's employer of record is Global Mortgage of Delaware, Inc., whose main office operates under certificate of registration number MB 803400. Respondent previously worked for Gordon Lending Corporation, whose main office is located at 5940 Wilcox Place, Suite B, Dublin, OH 43016 which operates under certificate of registration MB 2240. Respondent's home address of record is 2787 Hutson Ln., Hilliard, OH 43026. Respondent's date of birth is May 8, 1981.

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 May 11, 2006, the Division's Office of Consumer Affairs received a consumer complaint. The consumer alleged that she was contacted by Respondent about refinancing her home located at 2520 Maggie Cove, Lexington, KY 40511. The consumer was interested in refinancing her home in order to pay off certain high interest loans and credit cards.
2. Respondent advised her that certain debts would be paid, including a loan to HFC.
3. The consumer closed the refinance loan on February 16, 2006.

4. At closing, the consumer noticed that one particular obligation that she intended to pay off through the refinance, a loan to creditor HFC, was not listed on the Borrower's Disbursement Authorization. She alleges that she called Respondent during closing and he advised her to proceed and that the change she wanted could still be made after closing.
5. Subsequently, the consumer received checks to pay off the debts included in her refinance. She noticed she was not sent a check for the HFC loan. During this time, she also received a check from Ocwen, her former mortgage company, for the overage in escrow that occurred due to the refinance. The consumer called the Respondent to inquire about her HFC account, which was supposed to be paid through the refinance, but was not.
6. Respondent advised the consumer that her former mortgage company, Ocwen, was overpaid and that a check from Ocwen in the amount of the overpayment should come soon.
7. During a subsequent phone conversation, Respondent advised the consumer she was going to receive an additional check in the amount of over \$3,400 from Ocwen. Respondent advised the consumer that he had spoken with representatives of Ocwen and the check was forthcoming.
8. In truth and in fact, Respondent never spoke to representatives of Ocwen regarding the consumer's account.
9. R.C. 1322.07(B) provides that no licensee shall "[m]ake false or misleading statements of a 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 misrepresentations."
10. R.C. 1322.07(C) provides that no licensee shall "[e]ngage in conduct that constitutes improper, fraudulent, or dishonest dealings."
11. By advising the consumer that Respondent had spoken with Ocwen representatives and that the consumer was going to receive a check in the amount of over \$3,400 from Ocwen, Respondent violated R.C. 1322.07(B).
12. By advising the consumer that Respondent had spoken with Ocwen representatives and that the consumer was going to receive a check in the amount of over \$3,400 from Ocwen, Respondent violated R.C. 1322.07(C).
13. The Superintendent can no longer find that the Respondent's character and general fitness command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code, a condition for licensure.
14. R.C. 1322.10(A)(1)(a) authorizes the superintendent of financial institutions, after notice and opportunity for a hearing in accordance with Chapter 119, to revoke a license if the superintendent finds a violation of or failure to comply with any provision of sections 1322.01

to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted under a certificate of registration.

FINDINGS

1. By advising a consumer that a check for over \$3,400 from Ocwen was forthcoming when it was not and by advising a consumer that he had spoken with representatives from Ocwen regarding her account when he had not, Respondent violated R.C. 1322.07(B).
2. By advising a consumer that a check for over \$3,400 from Ocwen was forthcoming when it was not and by advising a consumer that he had spoken with representatives from Ocwen regarding her account when he had not, Respondent violated R.C. 1322.07(C).
3. The Superintendent can no longer find that the Respondent's character and general fitness command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code, a condition for licensure.
4. According to R.C. 1322.10(A)(1)(a), the superintendent of financial institutions may revoke a license if he finds a violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Ohio Revised Code or any rules adopted under those sections.

PROPOSED ACTION

Based upon the allegations and findings above, the Division intends to REVOKE the loan officer license of Adam J. Casbarro (LO# 024292) and to LEVY A FINE in the amount of \$2,000 for the violations of R.C. 1322.02(B) and R.C. 1322.07(C).

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 Adam J. Casbarro (LO# 024292) and imposing a FINE of \$2,000 on Adam J. Casbarro.

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 LO# 024292 and ASSESSING a FINE in the amount of \$2,000.

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

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