

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

In the matter of:)	Case No. M2006-9992891
)	
AMERICAN FUNDING AGENCY, INC.)	DIVISION ORDER
7807 North Dixie Drive)	Mortgage Broker Registration Renewal Denial
Dayton, OH 45414)	&
)	Notice of Appellate Rights

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, as amended by Ohio Senate Bill 76 and codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division finds that this order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, American Funding Agency, Inc. ("Respondent") is a company that held a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's mortgage broker certificate of registration expired on April 30, 2006, and Respondent filed an application to renew its certificate of registration, which remains pending; and

WHEREAS, on July 13, 2006, the Division issued Respondent a Notice which informed it that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent has not proven to the Division that its character or its president/owner's activities and employment record since the conviction show that it or its president/owner is honest, truthful, and of good reputation, and there is no basis in fact for believing that the Respondent or its president/owner will commit money laundering or any offense involving money or securities again.
2. Respondent's character and general fitness do not command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act. R.C. 1322.04(A)(10) & (B)(3).
3. Because Respondent does not meet the conditions outlined in R.C. 1322.04(A)(7), (A)(10) and (B)(3), the Division has the authority to refuse to renew Respondent's mortgage broker certificate of registration. R.C. 1322.10(A)(1)(a).

WHEREAS, the Notice informed Respondent of the Division's intent to revoke Respondent's certificate of registration and of the opportunity for a hearing regarding the revocation if requested within thirty days from the mailing of the Notice. The Notice further

cautioned Respondent that if the Ohio Division of Financial Institutions did not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of the Notice, the Superintendent would issue an order revoking Respondent's certificate of registration;

WHEREAS, the Notice was mailed to Respondent, via certified mail, on July 13, 2006, and service was perfected;

WHEREAS, Respondent timely requested a hearing, which was initially scheduled for September 5, 2006, was continued until October 26, 2006, and was later continued in pursuance of settlement discussions;

WHEREAS, a Settlement Agreement was entered into by the Parties on November 30, 2006 in which, *inter alia*, Respondent withdrew its request for a hearing and agreed that the Division has sufficient grounds upon which to deny its renewal application;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent's mortgage broker certificate of registration renewal application should be denied;

Respondent American Funding Agency, Inc.'s 2006 mortgage broker certificate of registration renewal application is hereby denied.

It is so ordered.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, by filing a notice of appeal with the Ohio Division of Financial Institutions, setting forth the Order appealed from and the grounds for the appeal. A copy of such notice of appeal must also be filed with the court of common pleas of the county in which the place of business of the Respondent is located, or the county in which the Respondent is a resident. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Order.

Signed and sealed this 5th day of December 2006.

ROBERT M. GRIESER

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