

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

In the matter of:)	Case No. M2008-297
)	
BRANT D. CENTER)	Notice of Intent to Deny Loan Officer License
520 Cherry Hill Lane)	Renewal Application and to Impose a Fine
Lebanon, Ohio 45036)	&
)	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 administering and enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

BRANT D. CENTER ("Respondent") has applied to the Division to renew his loan officer license. His address of record is 520 Cherry Hill Lane, Lebanon, Ohio 45036, and his date of birth is February 15, 1969. Respondent's employer of record is Star Point Mortgage, Inc., 3131 South Dixie Drive - Suite 535, Dayton, Ohio 45439.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license renewal application and to IMPOSE A FINE of two thousand dollars (\$2,000.00) upon Respondent.

BASIS FOR PROPOSED ACTION

- I. On April 13, 2004, the Division received a letter dated April 12, 2004, from Primary Residential Mortgage, Inc. indicating that Respondent ceased to be their employee. Primary Residential Mortgage, Inc. returned Respondent's loan officer license.
- II. R.C. 1322.031(E)(2) states in part that "[a]ny licensee whose license is held in escrow shall cease activity as a loan officer."
- III. On or about April 28, 2004, the Division received a loan officer transfer application for Respondent requesting that his license be transferred from Primary Residential Mortgage, Inc. to his new employer, Premier Mortgage Funding of Ohio, Inc. ("Premier"). The application did not list the effective date of new employment, but was, instead, left blank. Respondent's new employer neither requested nor received written confirmation from the superintendent that

Respondent could be employed on a temporary basis while the transfer of his loan officer license was pending.

- IV. Documents provided to the Division by Premier revealed that on March 25, 2004, Respondent, while employed by Premier, originated a loan subject to the Ohio Mortgage Broker Act (“OMBA”) for borrower Tony Vermillion for property located at 6509 Foxchase Lane, Cincinnati, Ohio 45243.
- V. On or about January 20, 2005, the Division received a loan officer termination notification form from Premier indicating that Respondent’s employment terminated on January 18, 2005.
- VI. On or about April 22, 2008, the Division received a loan officer license renewal application from Respondent.

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

- 1. Respondent has not complied with R.C. sections 1322.01 to 1322.12 because he originated at least one residential mortgage loan for Premier before his loan officer transfer application was submitted to the Division and without his employer requesting or receiving written confirmation from the superintendent that Respondent could be employed on a temporary basis while the transfer of his loan officer license was pending. See R.C. 1322.041(A)(2) and 1322.031(E).
- 2. Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from “[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
- 3. Because Respondent violated R.C. sections 1322.031(E)(2) and 1322.07(C), Respondent does not meet the conditions for renewal set forth in R.C. 1322.041(B)(3). See 1322.041(A)(2).
- 4. 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. See R.C. 1322.041(A)(6).
- 5. The Division is authorized by R.C. 1322.10(A)(2) to impose a fine upon Respondent for his violations of a law or rule. A fine in the amount of two thousand dollars (\$2,000.00) is reasonable, appropriate and necessary for his violations of R.C. 1322.031(E) and 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 denying the renewal of Respondent's loan officer license under the Ohio Mortgage Broker Act and imposing a fine of two thousand dollars (\$2,000.00) upon 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: Jacqueline Mallett, Attorney Examiner, 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 denying the renewal of Respondent's loan officer license and imposing a fine of two thousand dollars (\$2,000.00) upon Respondent.

Signed and sealed this 30th day of April 2008.

LEIGH A. WILLIS

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