

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

In the matter of:)	Case No. M2008-210
)	
SCOTT D. SIMPSON)	Notice of Intent to Issue Cease and Desist Order
786 Sutton Road)	&
Cincinnati, Ohio 45230)	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 ("OMBA"), codified in Ohio Revised Code ("R.C.") Chapter 1322.

RESPONDENT

Scott D. Simpson ("Respondent") is an individual that does not hold an active certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's last known address is 786 Sutton Road, Cincinnati, Ohio 45230.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(D) and R.C. Chapter 119, the Division intends to issue Respondent an ORDER TO CEASE & DESIST holding himself out as a mortgage broker under the authority of the Ohio Division of Financial Institutions without having first obtained a certificate of registration in violation of R.C. 1322.02(A)(2).

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.10(B), and has found the following:

- A. R.C. 1322.02(A)(2) states, "No person shall act or hold that person's self out as a mortgage broker under the authority or name of a registrant... without first having obtained a certificate of registration from the superintendent for every office to be maintained by the person for the transaction of business as a mortgage broker in this state."
- B. Sunset Mortgage Company, L.P. was a registered mortgage broker under the Ohio Mortgage Broker Act with its registered main office located at 3 Dickenson Drive, Chadds Ford, PA 19317. Sunset Mortgage Company, L.P. held certificate of registration number MB.802710.000 et seq. and at one time had three registered branch locations in the Cincinnati area.
- C. In a writing received by the Division on July 2, 2007, Sunset Mortgage Company, L.P. voluntarily surrendered certificate of registration MB.802710.000 et seq. effective June 30, 2007. The writing, signed by Stephen Rickel, CFO of Sunset Mortgage Company, L.P., stated that "[a]ll branches and loan originators will cease activity in the state [of Ohio] effective June 30, 2007." Accordingly, the Division cancelled certificate of registration MB.802710.000 et seq. on July 2, 2007.

- D. Respondent is the owner of record of the house and real property located at 786 Sutton Road, Cincinnati, Ohio 45230. This address has never been a registered branch location for Sunset Mortgage Company, L.P.
- E. According to Cincinnati Bell, the account for fax number (513) 233-9929 is held in the name of and billed to "Simpson, Scott, 786 Sutton Rd, Andrsn Twp (45230)."
- F. On or about August 6, 2007 from fax number (513) 233-9929, Respondent faxed Washington Mutual a certificate of registration with an expiration date of April 30, 2008 for cancelled OMBA registrant Sunset Mortgage Company, L.P.
- G. The Division never issued Sunset Mortgage Company, L.P. a renewed certificate of registration for the calendar period ending April 30, 2008.
- H. Respondent does not hold and has never held an OMBA mortgage broker certificate of registration issued by the Division.
- I. Respondent held himself out as a mortgage broker under the authority or name of a former registrant without having first obtained a certificate of registration from the Division for the transaction of business as a mortgage broker in this state.

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

- 1. Respondent's activities as described above violated R.C. 1322.02(A)(2).
- 2. Because Respondent engaged in activities that violated R.C. 1322.02(A)(2), the Division has the authority under R.C. 1322.10(D) to issue Respondent an order to cease and desist.

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 ordering Respondent's to cease and desist from engaging in the activities described herein.

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

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 ordering Respondent to cease and desist from engaging in the activities described herein.

Signed and sealed this 11th day of December, 2008.

LEIGH A. WILLIS

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