

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43266-0121

CASE NO. 01-MB-11

IN THE MATTER OF: **T.P.O.T.T., INC., DBA CREW MORTGAGE AND
FUNDING – COMPANY NO. 800427**

**NOTICE OF INTENT TO REVOKE
MORTGAGE BROKER CERTIFICATE OF REGISTRATION**

NOTICE OF OPPORTUNITY FOR HEARING

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 at Ohio Revised Code (“R.C.”) Chapter 1322. T.P.O.T.T., Inc., dba Crew Mortgage and Funding (“Respondent”) is an Ohio corporation registered with the Division as a mortgage broker pursuant to R.C. Chapter 1322. The business address of the Respondent is 1441 King Avenue, Suite 210, Columbus, Ohio 43212.

ALLEGATIONS

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

1. The mortgage broker certificate of registration application of the Respondent indicates that Scott S. McCann (“McCann”) is the incorporator, statutory agent, and president of the Respondent.
2. The Respondent, through the joint and several actions of McCann and Respondent loan officers Anthony Goldberg (“Goldberg”) and Roger Rivera (“Rivera”), caused customer mortgage loan proceeds in excess of \$95,000 to be disbursed to McCann, Goldberg, or Rivera, by means of fictitious creditors of the customer on mortgage loan related documents.
3. The Respondent, through the joint and several actions of McCann, Goldberg, and Rivera, caused customer mortgage loan proceeds in excess of \$13,000 intended for the customer or a legitimate creditor of the customer to be converted to McCann, Goldberg, or Rivera.

4. The Respondent, through McCann, had knowledge of improper, fraudulent, or dishonest mortgage loan practices by Goldberg, and failed to implement loan review or other control measures designed to prevent future improper, fraudulent, or dishonest mortgage loan practices.
5. The Respondent, through the joint and several actions of McCann, Goldberg, and Rivera, failed to disclose mortgage broker fees in violation of the federal Real Estate Settlement Procedures Act at 24 C.F.R. 3500.7 and 24 C.F.R. 3500.8.
6. The Respondent, through the joint and several actions of McCann, Goldberg, and Rivera, received customer mortgage loan proceeds disbursements to fictitious creditors, which disbursements constitute the receipt of an unearned fee or thing of value in violation of the federal Real Estate Settlement Procedures Act at 24 C.F.R. 3500.14.
7. The Respondent, through the joint and several actions of McCann, Goldberg, and Rivera, having devised or intending to devise a scheme or artifice to defraud, or for obtaining money by means of false or fraudulent pretenses and representations, transmitted or caused to be transmitted writings in the form of mortgage loan applications, federal real estate settlement documents, or other mortgage loan related documents, by means of wire in interstate commerce in violation of federal law at 18 U.S.C. 1343.
8. McCann had knowledge of and was involved in improper, fraudulent, or dishonest mortgage loan practices.
9. McCann threatened harm to a witness and the family of the witness if the witness spoke to the Division. Rivera instructed the same witness to not speak to the Division.
10. R.C. 1322.07(C) provides that no registrant shall engage in conduct that constitutes improper, fraudulent, or dishonest dealings.
11. Causing, directly or indirectly, customer mortgage loan proceeds to be disbursed to fictitious creditors constitutes improper, fraudulent, or dishonest dealings.
12. Receiving, directly or indirectly, customer mortgage loan proceeds disbursements to fictitious creditors constitutes improper, fraudulent, or dishonest dealings.
13. Failing to disclose mortgage broker fees in accordance with federal law constitutes improper, fraudulent, or dishonest dealings.
14. Receiving an unearned fee or thing of value in violation of federal law constitutes improper, fraudulent, or dishonest dealings.
15. Transmitting or causing to be transmitted by means of wire in interstate commerce false or fraudulent pretenses and representations on a mortgage loan application, federal real estate settlement document, or other mortgage related document in order

to defraud or obtain money from a customer in violation of federal law constitutes improper, fraudulent, or dishonest dealings.

16. Identifying fictitious creditors on a mortgage loan application or federal real estate settlement document constitutes improper, fraudulent, or dishonest dealings.
17. Interfering with an investigation or examination of the Division through the intimidation of a witness constitutes improper, fraudulent, or dishonest dealings.
18. R.C. 1322.99 provides that whoever violates R.C. 1322.07 is guilty of a fifth degree felony.
19. R.C. 1322.10(A)(1) provides that the Division may revoke a mortgage broker certificate of registration if the Division finds a violation of R.C. 1322.07.

DETERMINATIONS

Based upon the allegations above, the Division determines the following:

1. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C) by causing customer mortgage loan proceeds disbursements to fictitious creditors.
2. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C) by receiving, directly or indirectly, customer mortgage loan proceeds disbursements to fictitious creditors
3. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C) by failing to disclose mortgage broker fees in accordance with federal law.
4. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C) by receiving an unearned fee or thing of value in violation of federal law.
5. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C) by transmitting or causing to be transmitted by means of wire in interstate commerce false or fraudulent pretenses and representations on a mortgage loan application, federal real estate settlement document, or other mortgage related document in order to defraud or obtain money from a customer in violation of federal law.
6. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C.

1322.07(C) by identifying fictitious creditors on a mortgage loan application or federal real estate settlement document.

7. The Respondent, through the joint or several actions of McCann, Goldberg, and Rivera, engaged in improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C) by interfering with an investigation or examination of the Division through intimidation of a witness.

FINDING

Based upon the allegations and determinations above, the Division finds the following:

1. The Respondent violated R.C. 1322.07.

NOTICE

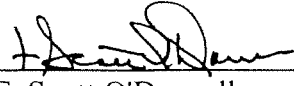
Therefore, pursuant to R.C. Chapters 1322. and 119., Respondent is hereby notified that thirty (30) days from the date of mailing this Notice, the Superintendent intends to issue an **ORDER REVOKING THE MORTGAGE BROKER CERTIFICATE OF REGISTRATION OF T.P.O.T.T., INC., DBA CREW MORTGAGE AND FUNDING.**

Pursuant to R.C. Chapter 119., the Respondent is hereby notified that it is entitled to an adjudicative hearing if one is requested within thirty (30) days from the date of mailing this Notice. At the hearing, the Respondent and the Superintendent may appear in person, by their attorneys, or together with their attorneys, or they may present their position, arguments, or contentions in writing, and that at the hearing they may present evidence and examine witnesses appearing for and against them.

If Respondent does not request a hearing within thirty (30) days from the date of the mailing of this Notice, the Superintendent will issue an **ORDER REVOKING THE MORTGAGE BROKER CERTIFICATE OF REGISTRATION OF T.P.O.T.T., INC., DBA CREW MORTGAGE AND FUNDING.**

If you have any questions, please contact Glen Littlejohn at (614) 644-6530.

WITNESS MY HAND at Columbus, Ohio this 18th day of April, 2001.



F. Scott O'Donnell
Superintendent