

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

In the matter of:)	Case No. 06-0003-MBD
)	
ALPHA MORTGAGE)	<u>DIVISION ORDER</u>
LENDING, LLC.)	Denial of Mortgage Broker Renewal Application
230 Northland Boulevard, Suite 309)	&
Cincinnati, Ohio 45246)	Notice of Appellate Rights
)	
)	

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as 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, the Division renewed Alpha Mortgage Lending LLC's ("Respondent") a mortgage broker certificate of registration for calendar year 2004;

WHEREAS, Respondent's mortgage broker certificate of registration expired on April 30, 2005, and Respondent filed an application to renew its certificate of registration, and the renewal application remains pending; and

WHEREAS, on March 20, 2006, the Division issued Respondent an Amended Notice that informed it that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

- A. In order for the Division to renew Respondent's mortgage broker certificate of registration, the Division must find pursuant to R.C. 1322.04 (B)(3) that Respondent's operations manager "meets the experience requirements provided in division (A)(4) of section 1322.03 of the Revised Code." (See R.C. 1322.04 (A)(3)).
- B. Currently, Respondent does not have a designated operations manager who meets the requirements outlined in R.C. 1322.03 (A)(4).
- C. As a result of Respondent's non-compliance with R.C. 1322.03 (A)(4) by not having an operations manager who meets the experience requirements, the Division cannot find that the condition for renewal as outlined in R.C. 1322.04 (A)(3) and (B)(3) has been met and as such, the Division, under the authority granted it in R.C. 1322.10 (A)(1)(a) and in the Division's compliance with R.C. 1322.04 (B), refuses to renew Respondent's mortgage broker certificate of registration.

- D. In order for the Division to renew Respondent's mortgage broker certificate of registration, the Division must find pursuant to R.C. 1322.04 (B)(2) that Respondent's operations manager, as designated under 1322.03, "has completed, during the immediately preceding calendar year, at least six hours of continuing education as required under section 1322.052 of the Revised Code."
- E. Respondent's operations manager failed to comply with R.C. 1322.052 by not completing at least six hours of continuing education during the 2004 calendar year.
- F. As a result of Respondent's failure to meet the condition for renewal as outlined in 1322.04 (B)(2), the Division, under the authority granted it in R.C. 1322.10 (A)(1)(a) and in the Division's compliance with R.C. 1322.04 (B), refuses to renew Respondent's mortgage broker certificate of registration.
- G. In order for the Division to renew Respondent's mortgage broker certificate of registration, the Division must find pursuant to R.C. 1322.04 (B)(3) that Respondent "complies with section 1322.01 to 1322.12 of the Revised Code." (See R.C. 1322.04 (A)(6)).
- H. Respondent does not have a designated operations manager who meets the experience requirements of R.C. 1322.03 (A)(4) and Respondent is not compliant with R.C. 1322.052, and as such, Respondent is not "compli[ant] with sections 1322.01 to 1322.12 of the Revised Code." (See R.C. 1322.04 (A)(6)).
- I. As a result of Respondent's non-compliance with R.C. 1322.03 (A)(4) and 1322.052, the Division cannot find that the condition for renewal as outlined in R.C. 1322.034 (A)(6) and (B)(3) has been met and as such, the Division, under the authority granted it in R.C. 1322.10 (A)(1)(a), refuses to renew Respondent's mortgage broker certificate of registration.

WHEREAS, the Notice informed Respondent of the Division's intent to deny its 2004 loan certificate of registration renewal application and of the opportunity for a hearing regarding the denial if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order denying the application for renewal of Respondent's mortgage broker certificate of registration[;]"

WHEREAS, the Division was unable to obtain service upon Respondent at the address Respondent provided, and the Division published the Notice in accordance with R.C. Chapter 119 in the *Cincinnati Court Index* for three (3) consecutive weeks;

WHEREAS, Respondent failed to request a hearing by the statutory deadline and thereby failed to defend against the Division's allegations;

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

Respondent, Alpha Mortgage Lending LLC's mortgage broker certificate of registration renewal application is hereby DENIED.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

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 11th day of May 2007.

RICHARD F. KECK

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