

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

In the matter of:)	Case No. M2009-118
)	
SECURE MORTGAGE FUNDING LLC)	Notice of Intent to Suspend
3869 Darrow Road, Suite 111)	Mortgage Broker Registrant
Stow, Ohio 44224)	&
)	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, and the rules adopted thereunder. In accordance therewith, the Division is accountable for the registration of mortgage brokers.

RESPONDENT

SECURE MORTGAGE FUNDING LLC ("Respondent") is a domestic company that holds a temporarily suspended certificate of registration issued by the Division to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's present address of record is 3869 Darrow Road, Suite 111, Stow, Ohio 44224.

NOTICE OF PROPOSED ACTION

In accordance with R.C. Chapter 119 and R.C. 1322.10(A)(1), the Division intends to SUSPEND Respondent's certificate of registration through June 1, 2009 for failing to maintain a bond as required by R.C. 1322.05.

BASIS FOR PROPOSED ACTION

Pursuant to R.C. 1322.10(B), the Division has conducted an investigation of Respondent. As a result thereof, the Division has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to suspend a mortgage broker certificate of registration if the Division finds that the registrant has violated "or fail[ed] to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted[.]"
- B. Respondent holds certificate of registration number MB.803769.
- C. R.C. 1322.05(A) provides: "No registrant shall conduct business in this state unless the registrant has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The bond shall be in favor of the superintendent of financial institutions and in the penal sum of at least fifty thousand dollars and an additional penal sum of ten thousand dollars for each location, in excess of one, at which the registrant conducts business."

- D. R.C. 1322.05(F) provides: “No registrant shall fail to comply with this section. Any registrant that fails to comply with this section shall cease all mortgage broker activity in this state until the registrant complies with this section.”
- E. On September 19, 2008, the Division received notice of the proposed cancellation of the bond (bond no. 14BSBEF0421) issued by the Hartford Fire Insurance Company to cover Respondent’s mortgage broker business as required by R.C. 1322.05.
- F. In Case No. M2008-698, the Division summarily suspended Respondent’s mortgage broker certificate of registration pursuant to R.C. 1322.10(F)(1)(b).
- G. Because Respondent failed to comply with R.C. 1322.05, the Division is authorized under R.C. 1322.10(A)(1)(a) to suspend Respondent’s mortgage broker certificate of registration.

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

- 1. Because Respondent has no bond in violation of R.C. 1322.05, the Division has the authority to suspend Respondent’s certificate of registration.
- 2. Respondent’s certificate of registration should be suspended through June 1, 2009.

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 suspending Respondent’s certificate of registration through June 1, 2009.

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: Stephen E. DeFrank, Consumer Finance Attorney Examiner, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear by Respondent’s attorney, 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 suspending Respondent’s certificate of registration through June 1, 2009.

Signed and sealed this 23rd day of February 2009.

LEIGH A. WILLIS

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