

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

In the matter of:	)	Case No. M2009-96
	)	
<b>MARK D. MCCOOL</b>	)	<b><u>DIVISION ORDER</u></b>
5677 Pioneer Ridge	)	<b>Loan Officer Fine</b>
Lawrenceburg, Indiana 47025	)	&
	)	<b>Notice of Appellate Rights</b>

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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, Mark D. McCool ("Respondent") holds a loan officer license issued pursuant to R.C. Chapter 1322; and

WHEREAS, on February 18, 2009, the Division issued Respondent a Notice which informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent violated R.C. 1322.02(A)(1) by acting on behalf of Priority Partners as a mortgage broker without first having obtained a certificate of registration from the Division.
2. Respondent violated R.C. 1322.02(A)(2) by acting or holding Priority Partners out as a mortgage broker under the authority of another registrant's OMBA certificate of registration number.
3. Respondent violated R.C. 1322.07(C).
4. Because Respondent violated R.C. 1322.02(A)(1) and (2), R.C. 1322.07(C), and OAC 1301:8-7-06(G), a fine should be imposed pursuant to R.C. 1322.10(A)(2).
5. A fine in the amount of two thousand five hundred dollars (\$2,500.00) is reasonable, appropriate, and necessary; and

WHEREAS, the Notice informed Respondent of the Division's intent to fine Respondent and of the opportunity for a hearing regarding the fine if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that if the Ohio Division of Financial Institutions did not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of the Notice, the Superintendent would issue an order imposing a fine of two thousand five hundred dollars (\$2,500.00) on Respondent;

WHEREAS, the Notice was mailed to Respondent, via certified mail, on February 18, 2009, and service was perfected;

WHEREAS, Respondent failed to request a hearing 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 should be fined;

Respondent, Mark D. McCool, is hereby ordered to pay the Division a fine in the amount of two thousand five hundred dollars (\$2,500.00). Payment shall be in the form of a cashier's check or money order, made payable to "Consumer Finance Fund," and, within ninety (90) days of Respondent's receipt of this Order, shall be submitted with a copy of this Order to: Ohio Division of Financial Institutions, Attn: Anthony D. Siciliano, Consumer Finance General Counsel, 77 South High Street, 21<sup>st</sup> Floor, Columbus, Ohio 43215-6120.

### **NOTICE OF RIGHT TO APPEAL**

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 3<sup>rd</sup> day of April, 2009.

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**LEIGH A. WILLIS**

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