

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

In the matter of:)	Case No. M2008-744
)	
BLUE RIBBON MORTGAGE, INC.)	Notice of Intent to Revoke Mortgage Broker Registration
6310 East Kemper Road, Suite 200)	&
Cincinnati, OH 45241)	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. In accordance therewith, the Division is accountable for the registration of mortgage brokers.

RESPONDENT

BLUE RIBBON MORTGAGE, INC. ("Respondent") is a company that holds a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's business address of record is 6310 East Kemper Road, Suite 200, Cincinnati, Ohio 45241. Respondent operates under mortgage broker certificate of registration number MB 803627.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10 and R.C. Chapter 119, the Division intends to REVOKE Respondent's mortgage broker certificate of registration.

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. The Division is authorized by R.C. 1322.10(A)(1)(a) to revoke a mortgage broker certificate of registration if the Division finds that the applicant has violated "or failed to comply with any provisions 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 under a certificate of registration[.]"
- B. R.C. 1322.02(A) requires registrants to maintain an office in the State of Ohio in order to transact business as a mortgage broker within the State of Ohio.
- C. Pursuant to Ohio Admin. Code 1301:8-7-02(E) a certificate of registration must be obtained for every office that is maintained for the transaction of mortgage broker business in the State of Ohio and for every location held out as a location where the registrant, an employee of the registrant or any agent of the registrant provides mortgage broker services.

- D. Ohio Admin. Code 1301: 8-7-19(H)(2) requires registrants to notify the superintendent of a change in business address at least thirty (30) days prior to the effective date of the change in the manner prescribed therein.
- E. R.C. 1322.07(A) prohibits a mortgage broker or registrant from “mak[ing] any substantial misrepresentation in any registration or license application[.]”
- F. R.C. 1322.07(B) prohibits a mortgage broker or registrant from “[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]”
- G. R.C. 1322.07(C) prohibits a mortgage broker or registrant from “[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
- H. In or around January 2008, Respondent moved away from its registered office located at 6310 Kemper Road, Suite 200, Cincinnati, Ohio 45241.
- I. The Division received no notification from Respondent of a change in its business address.
- J. In or around April 2008, Respondent submitted its annual renewal application and failed to disclose that it had changed location of its office registered with the Division.
- K. In or about May 2008, the Division issued a renewal certificate of registration to Respondent.
- L. In or around December 2008, a Division examiner discovered Respondent had moved away from its registered mortgage broker office.

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

- 1. Respondent’s actions listed in paragraph H violated R.C. 1322.02(A), Ohio Admin Code 1301: 8-7-02(E) and 8-7-19(H)(2).
- 2. Respondent’s actions listed in paragraphs I and J violated R.C. 1322.07(C) and 1322.07 (A), (B) and (C), respectively.
- 3. Because Respondent violated or failed to comply with R.C. 1322.02(A), 1322.07(A), (B) and (C), and Ohio Admin. Code 1301: 8-7-02(E) and 8-7-19(H)(2), the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent’s mortgage broker certificate of registration.

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 revoking Respondent’s mortgage broker certificate of registration.

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: Lori A. Massey, Consumer Finance Attorney Examiner, 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 revoking Respondent's mortgage broker certificate of registration.

Signed and sealed this 12th day of March, 2009.

LEIGH A. WILLIS

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