

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

In the matter of:)	Case No. M2008-550
)	
BOOKER BURTON)	Notice of Intent to Deny 2008 Renewal Application
dba Quik Funding Mortgage of Ohio)	&
5311 Northfield Road, Suite 409)	Notice of Opportunity for a Hearing
Bedford Heights, Ohio 44146)	
)	

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

BOOKER BURTON dba Quik Funding Mortgage of Ohio ("Respondent") is a sole proprietor that held a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's mortgage broker certificate of registration expired on April 30, 2008, and Respondent filed an application to renew his certificate of registration. The renewal application remains pending. Respondent's business address of record is 5311 Northfield Road, Suite 409, Bedford Heights, Ohio 44146.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.04 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's 2008 renewal application for a 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 R.C. 1322.04(B), and has found the following:

- A. In or around 2006, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent was convicted of having weapons while under disability, a felony of the third degree.
- B. On or around May 31, 2008, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's mortgage broker certificate of registration renewal application submitted to the Division was complete and truthful when it was not.
- C. On or around May 31, 2008, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information about his criminal background to the Division.
- D. On or around May 30, 2007, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's mortgage broker

certificate of registration application submitted to the Division was complete and truthful when it was not.

- E. On or around May 31, 2007, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information about his criminal background to the Division.
- F. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew 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[.]”
- G. R.C. 1322.04(B)(3) provides that a mortgage broker certificate of registration will be renewed annually if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (10) of R.C. 1322.04.
- H. R.C. 1322.04(A)(6) lists as a condition for obtaining a mortgage broker certificate of registration, made a condition for a mortgage broker certificate of registration renewal, that the applicant complies with sections 1322.01 to 1322.12 of the Revised Code.
- I. Respondent has a number of civil judgments against him for which he has not paid or entered into payment arrangements. A number of these civil judgments are results from foreclosure actions on real property. Centurion Capital Corp. v. Booker Burton, Case No. JL-07-290651 (Bedford Municipal Court, \$5,386.97 judgment); Discover Bank v. Booker Burton, Case No. CV 06-586960 (Cuyahoga County Court of Common Pleas, \$13,318.66 judgment); Deutsche Bank National Trust Company v. Booker Burton, Case No. CV 07-620717 (Cuyahoga County Court of Common Pleas, foreclosure); Chase Home Finance LLC v. Booker Burton, Case No. CV- 08-655451 (Cuyahoga County Court of Common Pleas, pending foreclosure); HSBC Bank v. Booker Burton, Case No. CV 06-607310 (Cuyahoga County Court of Common Pleas, foreclosure);
- J. Respondent’s actions, as listed above, show Respondent’s character and general fitness do not command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act. See R.C. 1322.04(A)(10).
- K. Respondent’s actions, as listed in paragraphs A through H above, violated R.C. 1322.07(A), which prohibits an applicant for a mortgage broker certificate of registration or loan officer license from “mak[ing] any substantial misrepresentation in any registration or license application[.]”
- L. Respondent’s actions, as listed in paragraphs A through H above, violated R.C. 1322.07(B), which prohibits an applicant for a mortgage broker certificate of registration or loan officer license from “[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]”
- M. Respondent’s actions, as listed in paragraphs A through H above, violated R.C. 1322.07(C), which prohibits an applicant for a mortgage broker certificate of registration or loan officer license from “[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
- N. Respondent does not meet the renewal requirements set forth in divisions (A)(6) and (10) of R.C. 1322.04.

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 denying Respondent's renewal application under the Ohio Mortgage Broker Act.

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: Martha S. Rhea, 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 denying Respondent's renewal application.

Signed and sealed this 11th day of December, 2008.

LEIGH A. WILLIS

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