

- F. On April 4, 2008, pursuant to R.C. 1321.55(B), the Division notified Respondent by regular mail of the requirement to file the annual report of the business it conducted under the OMLA during calendar year 2007. The Division's notification required Respondent to submit its completed annual report to the Division no later than May 5, 2008. The letter stated that "[i]f [the Division] does not receive the annual report form by Friday, May 9, 2008, the Division will begin the administrative action outlined in section 1321.54(B) to revoke your OMLA certificate of registration." The Division received no response from Respondent to this notification.
- G. In accordance with R.C. 1321.54(B), the Division may refuse to renew a certificate of registration if it finds that the registrant has continued to violate R.C. sections 1321.51 to 1321.60 after receiving notification of the violation from the Division.
- H. Respondent's failure to file the annual report after being notified of this requirement by the Division is a continued violation of R.C. 1321.55(B).
- I. Because Respondent has a continuing violation of R.C. 1321.55(B), Respondent's certificate of registration renewal application should be refused pursuant to R.C. 1321.54(B).

WHEREAS, Respondent admits the allegations of the Division's January 6, 2009 Notice.

NOW THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties agree to the following:

- 1) The parties acknowledge and agree to the accuracy of the Division's findings listed above.
- 2) Respondent acknowledges lawful service and receipt of the Notice, and stipulates to the jurisdiction of the Division in this matter.
- 3) Nothing in this Settlement and Consent Order shall be deemed to prevent the Division or its employees, agents, or assignees from participating in, as a witness or otherwise, any lawful action by another, or obeying any lawful court order, arising out of or related to the matters set forth in the Notice.
- 4) In lieu of refusing the license renewals, Respondent agrees to pay a fine for the violations of law described herein in the amount of eight hundred dollars (\$800.00), which equals three hundred dollars (\$300.00) for the late renewal and five hundred dollars (\$500.00) for no annual report. Payment shall be in the form of a cashier's check or money order, made payable to "Consumer Finance Fund," and shall be submitted to the Division with this Settlement and Consent Order.

- 5) Respondent agrees to provide to the Division a complete 2008 annual report by February 5, 2009.
- 6) Respondent hereby agrees to forego its administrative remedies, and waive any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 7) The Division hereby terminates the Notice of Intent to Refuse Renewal and Notice of Opportunity for Hearing issued January 6, 2009 and agrees to renew Respondent's certificate provided there remain no outstanding deficiencies prohibiting renewal of the certificate.
- 8) This Settlement and Consent Order shall be effective on the date it is signed by the Deputy Superintendent of the Division of Financial Institutions and on such date it will become a final order.
- 9) This Settlement and Consent Order contains the entire agreement between the parties as to the matters set forth herein and no promises, conditions or obligations, either expressed or implied, other than those set forth herein, shall be binding on either party.
- 10) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their shareholders, partners, members, assignees, and successors in interest.
- 11) Respondent releases the Division, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter. Respondent shall not seek attorney fees or other costs arising from the within matter.
- 12) This Settlement and Consent Order shall be considered a public record as that term is used in R.C. 149.43, and may be reported to appropriate organizations, data banks, and governmental bodies, or released to the general public.
- 13) Respondent has been advised by the Division to seek legal counsel if it has any questions concerning the terms and/or effect of this Settlement and Consent Order.
- 14) Respondent must submit this Settlement and Consent Order completed per the terms dictated herein, no later than February 5, 2009.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that:

- A. The parties to this Settlement and Consent Order shall abide by the terms of this Order as agreed.

- B. When this Settlement and Consent Order becomes effective as a final order, the Division shall again review Respondent's OMLA renewal application. Provided the application does not contain any deficiencies, the Division will renew Respondent's certificate of registration. Nothing in this Settlement and Consent Order shall deem to prevent the Division from taking any administrative action due to deficiencies that may arise in Respondent's renewal application not specifically addressed in the Notice of Intent to Refuse Renewal.
- C. The Notice of Intent to Refuse Renewal issued January 6, 2009 by the Division is hereby terminated.

LEIGH A. WILLIS Date
Deputy Superintendent for Consumer Finance
Ohio Division of Financial Institutions

Approved and Agreed:

The Settlement Agreement & Consent Order must be signed by: the owner if the registrant is a sole proprietor; all partners if the registrant is a partnership; at least one member if the registrant is a limited liability company; and the president and secretary, as duly authorized by resolution of the board of directors, if the registrant is a corporation. **The ORIGINAL, signed Settlement Agreement & Consent Order with all pages attached must be returned.** Keep a copy for your records.

PRINTED Name of authorized signor #1: _____ Date

SIGNATURE of authorized signor #1: _____ Date

PRINTED Name of authorized signor #2: _____ Date

SIGNATURE of authorized signor #2: _____ Date