

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

In the matter of:)	
)	Case No. M2006-9992822
PICKWELL INVESTMENTS, LTD.)	
6402 East Main Street)	Notice of Intent to Assess Fine and Suspend
Reynoldsburg, OH 43068)	Mortgage Broker Certificates of
)	Registration & 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 enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder.

RESPONDENT

Respondent Pickwell Investments, Ltd., ("Respondent") is an Ohio limited liability company and holds active mortgage broker certificates of registration issued by the Division pursuant to R.C. 1322. The business address of record for Respondent's main office is 6402 East Main Street, Reynoldsburg, OH 43068, MB# 802923.000. Respondent also has one branch office located at 117 W. Main Street Suite 302, Lancaster, OH 43130, MB#802923.001.

ALLEGATIONS

Pursuant to R.C. 1322.10(B), the Division conducted an investigation into the affairs of Respondent, and as a result thereof, alleges the following:

1. A direct mailing by a mortgage broker to solicit business is considered an advertisement pursuant to rules of the Division governing mortgage brokers. (See O.A.C. § 1301:8-7-07(B)).
2. In April 2006, the Registrant sent out direct mailings to potential customers seeking to solicit business. A copy of one such direct mailing is attached hereto as Attachment A. The mailing stated: "Please give me a call regarding the information received concerning your parcel for the April 28, 2005 tax lien sale. This notice is to allow you the opportunity to settle a debt. Contact our office immediately at (740)687-5162." Behind the letter to the potential

consumer and also on the upper right corner of the solicitation appeared the Seal of the State of Ohio.

3. Approximately 2200 Fairfield County property owners received a similar letter. Many of the advertisement recipients' properties were not delinquent on their taxes as the advertisement had implied and their properties were not set for a tax lien sale.
4. R.C. 1322.07(B) prohibits registrants from making false or misleading statements of a material fact, omissions of statements required by state law, or false promises regarding a material fact, through advertising or other means, or engage in a continued course of misrepresentations. R.C. 1322.07(C) prohibits registrants from engaging in conduct that constitutes improper, fraudulent, or dishonest dealings.
5. The Division contends that these solicitations are false and misleading statements of a material fact in violation of R.C. 1322.07(B) and are improper and dishonest dealings in violation of R.C. § 1322.07(C). These notices falsely represented that individuals were delinquent on their property tax obligations because many of these notices were sent to consumers who had paid their taxes. Further, the solicitations were misleading in that they gave the impression to consumers that the notices were official government communications.

FINDINGS

Based upon the allegations above, the Division determines the following:

1. Respondent, Pickwell Investments, Ltd. has caused advertisements to be mailed to consumers which contained false or misleading statements of material fact in violation of R.C. 1322.07(B).
2. By mailing the above-mentioned solicitations, Pickwell Investments, Ltd. has engaged in conduct that constitutes improper, fraudulent, or dishonest dealings in violation of R.C. 1322.07(C).

PROPOSED ACTION

Based upon the allegations and findings above, the Division intends to SUSPEND the Mortgage Broker Certificates of Registration for Pickwell Investments, Ltd. for a period of six months and LEVY a FINE of \$15,000 for the violations of R.C. 1322.07(B) and R.C. 1322.07(C).

NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondents are hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an ORDER SUSPENDING the mortgage broker certificates of registration for Pickwell Investments, Ltd. for a period of six months effective upon the issuance of this order, and to impose a FINE of \$15,000 for the violations of R.C. 1322.07(B) and R.C. 1322.07(C).

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 to:

**State of Ohio
Department of Commerce
Division of Financial Institutions
Attn: Attorney Timothy C. Winslow
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120**

At the hearing, Respondent may appear by an 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.

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 the mortgage broker certificates of registration for Pickwell Investments, Ltd., MB#802923.000 and MB#802923.001, for a period of six months and assessing a FINE of \$15,000 for violations of R.C. 1322.07(B) and R.C. 1322.07(C).

Signed and Sealed this 16th day of June, 2006.

Robert M. Grieser
Deputy Superintendent of Financial Institutions

Cc: Timothy C. Winslow, In House Counsel—Division of Financial Institutions
Matt Lampke, Asst. Attorney General, Executive Agencies

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