

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

In the matter of:)	Case No. M2008-437
)	
IHOMOWNERS, INC. dba LOANWEB.COM)	Notice of Intent to Issue
10380 Springpointe Circle C)	Cease and Desist Order
Miamisburg, Ohio 45342)	&
)	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.

RESPONDENT

IHOMEOWNERS, INC. dba LOANWEB.COM ("Respondent") is a foreign corporation that has twice applied to the Division for a mortgage broker certificate of registration pursuant to R.C. Chapter 1322, but has withdrawn its applications. Respondent's statutory agent in Ohio is Rebecca Jane Goens, 10380 Springpointe Circle C, Miamisburg, OH 45342, and its address of record on its most recently withdrawn application to the Division was 24003 Ventura Boulevard, Bldg A, Calabasas, CA 91302.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10 and R.C. Chapter 119, the Division intends to issue a cease and desist order pursuant to R.C. 1322.10(D).

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. R.C. 1322.02(A)(1) states, "No person, on the person's own behalf or on behalf of any other person, shall act as a mortgage broker without first having obtained a certificate of registration from the superintendent of financial institutions for every office to be maintained by the person for the transaction of business as a mortgage broker in this state...."
- B. R.C. 1322.01(G) defines "Mortgage Broker" as "(1) [a] person that holds that person out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance; (2) [a] person that solicits financial and mortgage information from the public, provides that information to a mortgage broker, and charges or receives from the mortgage broker money or other valuable consideration readily convertible into money for providing the information...."

- C. O.A.C. 1301:8-7-02(C) states in pertinent part:
Division (G)(2) of section 1322.01 of the Revised Code, includes, but is not limited to, soliciting personal financial and mortgage information from buyers through any medium including the internet or telephone, and providing that information to a mortgage broker and charging or receiving any valuable consideration for the information. This practice is commonly referred to as obtaining or generating “leads.” For purposes of this rule, “personal financial and mortgage information” includes, but is not limited to, social security numbers and any financial account number such as a credit card or bank account number....
- D. R.C. 1322.072(A) states, “No person, in connection with any examination or investigation conducted by the superintendent of financial institutions under section 1322.01 to 1322.12 of the Revised Code, shall knowingly...[c]ircumvent, interfere with, obstruct, or fail to cooperate....”
- E. Respondent has generated leads involving Ohio properties and/or Ohio residents and sold them for money or other valuable consideration to another mortgage broker who held a certificate of registration issued by the Division.
- F. Respondent has failed to cooperate with a Division investigation into its business activities in the State of Ohio by failing to respond to the Division’s two investigatory letters.

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

1. Respondent’s activities as described in Paragraph E above violated R.C. 1322.02(A)(1).
2. Respondent’s activities as described in Paragraph F above violated R.C. 1322.072(A).
3. Respondent’s activities as described in Paragraphs E and F above constitute improper, fraudulent or dishonest dealings in violation of R.C. 1322.07(C).
4. In order to prevent any further violations of R.C. 1322.02(A)(1), the Division has the authority under R.C. 1322.10(D) to issue Respondent an order to cease and desist generating and selling leads pertaining to Ohio property and/or Ohio residents without first applying for and receiving a 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 a cease and desist order to prevent any further violation of R.C. 1322.02(A)(1), 1322.072(A) and 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: Ohio Division of Financial Institutions, Attn: Jacqueline Mallett—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. Note: At the hearing, corporations 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 a cease and desist order to prevent any further violation of R.C. 1322.02(A)(1), 1322.072(A) and 1322.07(C)

Signed and sealed this 9th day of January 2009.

LEIGH A. WILLIS

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