

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

In the matter of:)	Case No. M2008-711
)	
GERSPACHER MORTGAGE, LTD.)	Notice of Intent to Revoke Mortgage Broker Registration
856 Beechwood Drive)	&
Medina, OH 44256)	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

GERSPACHER MORTGAGE LTD. ("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 856 Beechwood Drive, Medina, Ohio 44256. Respondent operates under mortgage broker certificate of registration number MB802381.

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. 1322.07(F) prohibits a mortgage broker, registrant or licensee from "knowingly instruct[ing], solicit[ing], propos[ing] or otherwise caus[ing] a buyer to sign in blank a mortgage related document."
- C. R.C. 1322.07(C) prohibits a mortgage broker, registrant or licensee from engaging in conduct that constitutes improper, fraudulent or dishonest dealings.

- D. In December 2005, buyers were presented with and signed a Truth-In-Lending Disclosure Statement that was in blank except for the letters "TBD" hand written where the monthly payment information should have been disclosed as required under the Truth in Lending Act, 15 USC 1601, *et seq.* and 12 CFR 226.17 through 12 CFR 226.23.

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

1. Respondent's actions listed in paragraph D violated R.C. 1322.07(F).
2. Respondent's actions listed in paragraph D violated R.C. 1322.07(C).
3. Because Respondent violated or failed to comply with R.C. 1322.07(F), 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, Attorney Examiner Consumer Finance, 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