

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

In the matter of:)	Case No. M2008- 612
)	
MARK I. MORTGAGE CO.)	<u>DIVISION ORDER</u>
159 West Franklin Street)	Mortgage Broker Revocation and Fine
Bellbrook, Ohio 45305)	&
)	Notice of Appellate Rights

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, Mark I. Mortgage, Co. ("Respondent") is registered in Ohio as a domestic corporation that holds an active certificate of registration pursuant to R.C. Chapter 1322; and

WHEREAS, on November 14, 2008, the Division issued Respondent a Notice which informed it that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. The Respondent failed to deliver a written response to compliance examination letters in violation of Ohio Admin. Code 1301: 8-7-13(F) and R.C. 1322.072;
2. The compliance examinations revealed Respondent violated R.C. 1322.062, R.C. 1322.08, R.C. 1322.021(B) and Ohio Admin. Code 1301: 8-7-05(B) and Ohio Admin. Code 1301: 8-7-08(B);
3. Because Respondent violated R.C. 1322.02(B), R.C. 1322.062, R.C. 1322.072, R.C. 1322.08, Ohio Admin. Code 1301: 8-7-05(B), Ohio Admin. Code 1301: 8-7-08(B) and Ohio Admin. Code 1301:8-7-13(F), pursuant to R.C. 1322.10(A)(1) and (2), the Division is authorized to revoke or suspend Respondent's certificate of registration or to fine Respondent one thousand dollars (\$1,000.00) for each day a violation of law or rule is committed, repeated, or continued;
4. The Division intended to revoke Respondent's certificate of registration and impose a fine in the amount of seven thousand two hundred fifty dollars (\$7,250.00); and

WHEREAS, the Notice informed Respondent of the Division's intent to revoke Respondent's certificate of registration and impose a fine and of the opportunity for a hearing if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that if the Ohio Division of Financial Institutions did not receive a written request

for a hearing in its offices within thirty (30) days of the time of the mailing of the Notice, the Superintendent would issue an order revoking Respondent's certificate of registration and imposing a fine of seven thousand two hundred fifty dollars (\$7,250.00) upon Respondent;

WHEREAS, the Notice was mailed to Respondent, via certified mail, on November 14, 2008, and service was perfected;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent should be fined and have its certificate of registration revoked;

The certificate of registration of Respondent, Mark I. Mortgage, Co., is hereby revoked. In addition, Respondent is ordered to pay the Division a fine in the amount of seven thousand two hundred fifty dollars (\$7,250.00). Payment shall be in the form of a cashier's check or money order, made payable to "Consumer Finance Fund," and, within ninety (90) days of Respondent's receipt of this Order, shall be submitted with a copy of this Order to: Ohio Division of Financial Institutions, Attn: Lori A. Massey, Consumer Finance Attorney Examiner, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, by filing a notice of appeal with the Ohio Division of Financial Institutions, setting forth the Order appealed from and the grounds for the appeal. A copy of such notice of appeal must also be filed with the court of common pleas of the county in which the place of business of the Respondent is located, or the county in which the Respondent is a resident. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Order.

Signed and sealed this 30th day of December, 2008.

LEIGH A. WILLIS

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