

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

In the matter of:	)	Case No. M2008-224
	)	
<b>IRIS A. COOPER DBA PYRAMID</b>	)	<b>Notice of Intent to Impose a Fine</b>
<b>MORTGAGE COMPANY</b>	)	<b>&amp;</b>
5969 E. Livingston Avenue, Suite 110	)	<b>Notice of Opportunity for a Hearing</b>
Columbus, Ohio 43232	)	
	)	

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**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**

**IRIS A. COOPER dba PYRAMID MORTGAGE COMPANY** ("Respondent") is a sole proprietorship that held a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent holds an active mortgage broker certificate of registration MB.802820. Respondent's business address of record is 5969 E. Livingston Ave., Suite 110, Columbus, Ohio 43232.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. Chapter 119 and R.C. 1322.10(A)(2), the Division intends to levy a FINE in the amount of one thousand dollars (\$1,000.00) against Respondent for violating the recordkeeping requirements of R.C. 1322.06(B) and O.A.C. 1301:8-7-06(A).

**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)(2) to "[i]mpose of fine of not more than one thousand dollars, for each day a violation of law or rule is committed, repeated or continued. If the registrant or licensee engages in a pattern of repeated violations of law or rule, the Division may impose a fine of not more than two thousand dollars for each day the violation is committed, repeated, or continued."
- B. R.C. 1322.06(B) requires that registrants "shall maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code, including copies of all mortgage loan origination disclosure statements prepared in accordance with section 1322.062 of the Revised Code, for four years. No registrant shall fail to comply with this division."
- C. Ohio Admin. Code 1301:8-7-06(A) requires that registrants "shall maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code for four calendar years. If the loan is not serviced by the registrant, the retention

period commences on the date the loan is closed or, if the loan is not closed, the date of the withdrawal or turndown of the loan application....”

- D. In or around August 2007, the Division conducted an examination of Registrant pursuant to R.C. 1322.06(A). As part of the examination, the Division’s examiner requested that Registrant produce some loan files that had been originated after August 2003.
- E. The registrant was unable to produce any loan files, documents or records pertaining to business transacted pursuant to R.C. 1322.01 to 1322.12, except for final HUD-1 or HUD-1A Settlement Statements, which were originated after August 2003.

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

- 1. Respondent violated R.C. 1322.06(B) and O.A.C. 1301:8-7-06(A) for failing to maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code, including copies of all mortgage loan origination disclosure statements prepared in accordance with section 1322.062 of the Revised Code, for four years.
- 2. Respondent’s violation of the Ohio Mortgage Broker Act’s recordkeeping requirements constitutes improper conduct in violation of R.C. 1322.07(C).
- 3. As a result of these violations, the Division may levy a fine of up to one thousand dollars (\$1,000.00) for each of Respondent’s violations.
- 4. Because Respondent violated R.C. 1322.06(B), Ohio Admin. Code 1301:8-7-06(A) and R.C. 1322.07(C), the Division is levying a fine of one thousand dollars (\$1,000.00).
- 5. A fine in the amount of one thousand dollars (\$1,000.00) is reasonable, appropriate and necessary.

#### **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 imposing a one thousand dollar (\$1,000.00) fine under the Ohio Mortgage Broker Act.

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, 21<sup>st</sup> 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 imposing a one thousand dollar (\$1,000.00) fine.

Signed and sealed this 26th day of August 2008.

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**LEIGH A. WILLIS**

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