

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

In the matter of:	)	Case No. M2008-322
	)	
<b>JENNY J. EVERSOLE</b>	)	<b>Notice of Intent to Deny Loan Officer Renewal Application</b>
455 Waggoner Road	)	<b>and Impose a Fine</b>
Reynoldsburg, Ohio 43068	)	<b>&amp;</b>
	)	<b>Notice of Opportunity for a Hearing</b>
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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**

**JENNY J. EVERSOLE** ("Respondent") held a license number 00969 in calendar year 2007. Respondent's loan officer license expired on April 30, 2008, and Respondent filed an application to renew her loan officer license. Her address of record is 455 Waggoner Road, Reynoldsburg, Ohio 43068, and her date of birth is October 13, 1947. Respondent's employer of record is Oxford Lending Group, LLC., One East Campus View Blvd., Columbus, Ohio 43235.

**NOTICE OF PROPOSED ACTION**

In accordance with sections 1322.04 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer renewal application and impose a FINE.

**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 deny renewal of a loan officer's license if the Division finds that the licensee has violated "or failed to comply with any provision 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. 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."
- C. R.C. 1322.02(A) requires registrants to maintain an office in the State of Ohio in order to transact business as a mortgage broker within the State of Ohio.

- D. Pursuant to Ohio Admin. Code 1301:8-7-02(E) a certificate of registration must be obtained for every office that is maintained for the transaction of mortgage broker business in the State of Ohio and for every location held out as a location where the registrant, an employee of the registrant or any agent of the registrant provides mortgage broker services.
- E. R.C. 1322.031(E)(1) requires a licensee to principally transact her loan officer business at an office her employing mortgage broker has registered in accordance with R.C. 1322.02(A).
- F. In or around August/September 2007, Respondent was employed by Franklin Mortgage, Inc. ("Franklin Mortgage"). The registered office of Franklin Mortgage was located at 2020 Brice Road, Reynoldsburg, Ohio 43068.
- G. In or around August/September 2007, Franklin Mortgage moved away from its registered office located at 2020 Brice Road.
- H. In or around August/September 2007, the Division had not granted Franklin Mortgage the authority to transact mortgage broker business at a location other than at the 2020 Brice Road address.
- I. In or around August/September 2007, Respondent and Franklin Mortgage continued to transact mortgage broker business by providing mortgage broker services at unauthorized unregistered locations thereby holding out these locations as authorized registered locations.
- J. In or around September 2007, Respondent became the operations manager for Franklin Mortgage and became responsible for the mortgage broker's compliance with Chapter 1322.
- K. In or around February 2008, Respondent admitted to the Division that since about September 1, 2007 she transacted all her loan officer business at locations other than the 2020 Brice Road location.
- L. Franklin Mortgage records provided by Respondent indicate that between August 2007 and February 2008 Respondent provided mortgage broker services for three buyers of owner occupied residences and received monetary compensation for those services.
- M. On or about August 18, 2007 Respondent executed an Ohio Mortgage Loan Origination Disclosure Statement ("MLOD") with buyers Egenreider which indicated the location of the mortgage broker as 200 Campus View Drive, Suite 200.
- N. On or about September 17, 2007, Respondent and Franklin Mortgage was paid \$1,689.75 for brokering the Egenreider loans.
- O. On or about November 12, 2007 Respondent executed a MLOD with buyers Holler which indicated the location of the mortgage broker as 455 Waggoner Road.
- P. On or about December 17, 2007 Respondent and Franklin Mortgage was paid \$2,056.50 for brokering the Holler loan.
- Q. On or about January 13, 2008 Respondent executed a MLOD with buyers Fearing which indicated the location of the mortgage broker as 2020 Brice Road.
- R. On or about January 22, 2008, Respondent executed a real estate purchase contract that identified Respondent and Dove Realty as the buyer's agent for the Fearings.

- S. On or about February 5, 2008 Respondent and Franklin Mortgage was paid \$1,722.67 for brokering the Fearing loan. In addition, Respondent was paid \$3,671.50 related to her real estate agent services on the same mortgage transaction.

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

1. Respondent violated R.C. 1322.031(E) by failing to principally transact business at a mortgage broker office registered under R.C. 1322.02(A).
2. Respondent violated R.C. 1322.07(C) by holding out unregistered locations as authorized locations to provide mortgage broker services.
3. Respondent violated R.C. 1322.07(C) by indicating that her mortgage broker services were being provided at the authorized location.
4. Respondent violated R.C. 1322.07(C) by acting as the loan officer and the real estate agent on a mortgage transaction.
5. Because Respondent committed repeated and continued violations of Ohio Admin. Code 1301:8-7-02(E) and R.C. 1322.07(C), the Division may impose a two thousand dollar (\$2,000.00) for each of Respondent's violations.
6. Because Respondent violated Ohio Admin. Code 1301:8-7-02(E) and R.C. 1322.07(C), Respondent's loan officer license renewal application should be denied and a fine of four thousand, five hundred dollars (\$4,500.00) should be imposed.

#### **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 denying Respondent's renewal application and imposing a four thousand, five hundred dollar (\$4500.00) 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: Lori A. Massey, 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 denying Respondent's renewal application and imposing a \$4,500.00 fine.

Signed and sealed this 6<sup>th</sup> day of May, 2008.

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**LEIGH A. WILLIS**

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