

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

In the matter of:)
) Case No. 06-2914
MANGISANI MPHANDE)
5748 Saucony Dr.) Notice of Intent to Deny
Hilliard, OH 43026) Loan Officer License Application and
) Assess Fine &
) 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 enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder.

RESPONDENT

Respondent Mangisani Mphande ("Respondent") has applied to the Division for a loan officer license pursuant to R.C. Chapter 1322. Her address of record is 5748 Saucony Dr. Hilliard, OH 43026. Respondent has applied to be a loan officer for Oxford Lending Group, whose office operates under certificate of registration number MB 803455. Respondent's date of birth is September 17, 1973.

ALLEGATIONS

Pursuant to R.C. 1322.10(B), the Division conducted an investigation into the affairs of Respondent, and as a result thereof, alleges the following:

1. Mangisani Mphande applied to the Division for a loan officer license to work for Supreme Funding Mortgage Services, Inc. on November 1, 2002. Mangisani Mphande was issued a loan officer license by the Division on November 25, 2002. Mangisani Mphande did not take the exam required by R.C. 1322.051(B). Consequently, the license terminated by operation of law on or about February 23, 2003.
2. He reapplied for a loan officer license to work for First Meridian Mortgage Group, Ltd. on or about October 30, 2003, which license was issued by the Division on November 4, 2003. He took the exam required by R.C. 1322.051(B) on November 26, 2003, and on December 17, 2003 and failed the exam both times. Mangisani Mphande transferred her license to

Gordon Lending Corp. on or about January 13, 2004. On or about February 2, 2004, Mangisani Mphande's loan officer license terminated by operation of law.

3. Mangisani Mphande applied for another loan officer license on November 3, 2004. He did not hold a loan officer license from February 3, 2004 until November 3, 2004.
4. Mangisani Mphande has obtained loan officer licenses on two additional occasions, each time being licensed for a ninety day period, her license terminating by operation of law due to the failure to pass the exam required by R.C. 1322.051(B).
5. Records of Gordon Lending Corporation revealed that Mphande originated a loan without a license on behalf of Gordon Lending Corporation, which loan was subject to the Ohio Mortgage Broker Act, on property located at 295 Woodland Avenue, Clyde, Ohio 43410, on or about February 17, 2004 which closed on March 24, 2004 during a time that he was not licensed to originate loans under the Ohio Mortgage Broker Act.
6. R.C. 1322.02(B) states: "No person, on the person's own behalf or on behalf of any other person, shall act as a loan officer without first having obtained a license from the superintendent."
7. R.C. 1322.01(E) defines "Loan Officer" as "an employee who originates mortgage loans in consideration of direct gain or indirect gain, profit, fees, or charges. 'Loan Officer' also includes an employee who solicits financial and mortgage information from the public for sale to another mortgage broker."
8. By originating mortgage loans without first obtaining a loan officer license pursuant to R.C. 1322.041, Respondent violated R.C. 1322.02(B).
9. R.C. 1322.10(A)(1)(a) authorizes the superintendent of financial institutions, after notice and opportunity for a hearing in accordance with Chapter 119, to deny a license application if the superintendent finds a violation of or failure 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.

FINDINGS

By originating mortgage loans without first obtaining a loan officer license pursuant to R.C. 1322.041, Respondent violated R.C. 1322.02(B).

PROPOSED ACTION

Based upon the allegations and findings above, the Division intends to DENY the loan officer license application of Mangiisani Mphande and to LEVY A FINE in the amount of \$1,000 for the violation of R.C. 1322.02(B).

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 the loan officer license application of Mangisani Mphande and imposing a FINE of \$1,000 on Mangisani Mphande.

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 to:

**State of Ohio
Department of Commerce
Division of Financial Institutions
Attn: Attorney Timothy C. Winslow
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.

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 the loan officer license application of Mangisani Mphande and ASSESSING a FINE of \$1,000.

Signed and Sealed this 19th day of July, 2006.

Robert M. Grieser
Deputy Superintendent of Financial Institutions

Cc: Timothy C. Winslow, In House Counsel—Division of Financial Institutions
Matt Lampke, Asst. Attorney General, Business & Government Regulation