

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

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| In the matter of: |) | Case No. M2009-156 |
| |) | |
| CATHY S. FEINAUER |) | <u>DIVISION ORDER</u> |
| 7653 Lakota Hills Drive |) | Loan Officer Fine |
| West Chester, Ohio 45069 |) | & |
| |) | 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, Cathy S. Feinauer ("Respondent") holds a loan officer license issued pursuant to R.C. Chapter 1322; and

WHEREAS, on March 12, 2009, the Division issued Respondent a Notice which informed her, that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent violated R.C. 1322.02(A), Ohio Admin. Code 1301: 8-7-02(E) and 8-7-19(H)(2) by moving the mortgage broker office of Blue Ribbon Mortgage, Inc. without first giving notice to the Division.
2. Respondent violated R.C. 1322.07(A), (B) and (C) by submitting a renewal application for Blue Ribbon Mortgage, Inc. and failing to disclose that Blue Ribbon Mortgage, Inc. had changed the location of its office.
3. Because Respondent violated R.C. 1322.02(A), R.C. 1322.07(A), (B), and (C), and Ohio Admin. Code 1301:8-7-02(E) and 8-7-19(H)(2), a fine should be imposed pursuant to R.C. 1322.10(A)(2).
4. A fine in the amount of three thousand dollars (\$3,000.00) is reasonable, appropriate, and necessary.

WHEREAS, the Notice informed Respondent of the Division's intent to fine Respondent and of the opportunity for a hearing regarding the fine 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 imposing a fine of three thousand dollars (\$3,000.00) on Respondent;

WHEREAS, the Notice mailed to Respondent, via certified mail, on March 12, 2009, was returned to the Division "unclaimed," and the Division mailed the Notice to the Respondent via ordinary mail, pursuant to R.C. 119.07, on April 1, 2009;

WHEREAS, the Notice mailed to Respondent via ordinary mail on April 1, 2009 was not returned to the Division;

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;

Respondent, Cathy S. Feinauer, is hereby ordered to pay the Division a fine in the amount of three thousand dollars (\$3,000.00). 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 11th day of May, 2009

LEIGH A. WILLIS

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