

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

In the matter of:)	Case No. M2010-115
)	
HEATHER M. WITT)	<u>DIVISION ORDER</u>
1028 Saint Gregory Street)	Loan Officer Fine
Cincinnati, Ohio 45202)	&
)	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, Heather M. Witt ("Respondent") holds a loan officer license issued pursuant to R.C. Chapter 1322; and

WHEREAS, on March 3, 2010, 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. Pursuant to R.C. 1322.06(A), the Division conducted an examination of Star Point Mortgage on July 6-7, 2009. During the course of this examination, the Division examiner found that one of Respondent's buyers/consumers (Stevens) had signed mortgage related documents, Mortgage Loan Origination Disclosure Statement (MLODs), in blank.
2. Following the Division's July 2009 Examination, on September 16, 2009, the Division sent a subpoena to Star Point Mortgage requesting individual buyer and HUD files for the Stevens' and six other consumers.
3. When the Division received the response to the subpoena, the MLODs signed in blank by the Stevens' had been filled out.
4. On or about January 28, 2010, Star Point Mortgage's operations manager, Mark Jordan, explained to the Division that after a loan closes, his processor checks the files and fills in any missing information.
5. The documents obtained during the July 2009 examination and submitted by Star Point Mortgage under September 2009 subpoena indicate that the Stevens mortgage loan was originated in December of 2008 and was closed in March of 2009.
6. Respondent's actions as alleged herein constitute violations of R.C. 1322.07(C).

7. Respondent's actions as alleged herein constitute violations of R.C. 1322.07(F).
8. Because Respondent violated R.C. 1322.07(C) and (F), the Division is authorized under R.C. 1322.10(A)(2) to impose a fine upon Respondent.
9. A fine in the amount of one thousand dollars (\$1,000.00) 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 one thousand dollars (\$1,000.00) on Respondent;

WHEREAS, the Notice was mailed to Respondent, via certified mail, on March 3, 2010, 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;

Respondent, Heather M. Witt, is hereby ordered to pay the Division a fine in the amount of one thousand dollars (\$1,000.00). Payment shall be in the form of a cashier's check or money order, made payable to "Treasure of State," 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, 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 8th day of April, 2010

LEIGH A. WILLIS

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