

RECEIVED  
DIVISION OF FINANCIAL  
INSTITUTIONS

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

OCT 15 PM 12:38

In the matter of:

**CHARLES BRINKMAN**  
3400 Robert Burns Drive  
Richfield, OH 44286

)  
) **Case No. 07-NOV-901**  
)  
) **SETTLEMENT AND**  
) **CONSENT ORDER**  
)

WHEREAS, 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

WHEREAS, Charles Brinkman ("Respondent") is an individual licensed as a loan officer pursuant to R.C. Chapter 1322. Respondent is currently licensed with Van Dyk Mortgage Corporation, whose main office of record is located at 2449 Camelot Court SE, Grand Rapids, MI 49546 and operates under certificate of registration number MB 802769.000; and

WHEREAS, on August 23, 2007, the Division sent via certified mail a Notice of Violation ("the Notice") to Respondent to his business address; and

WHEREAS, the Notice contained allegations that:

- (A) During May 2007, an advertisement was mailed to promote loan services by Respondent. This advertisement was in the form of a letter, and contained the following misrepresentations: Charlie Brinkman owns The Home Lending Center, and The Home Lending Center was formerly known as Lakeside Mortgage, Inc. Further, this letter failed to comply with R.C. 1322.09 since no certificate of registration number for the mortgage broker Respondent works for, The Home Lending Center, was included in the advertisement.
- (B) According to the Respondent, seventy letters were mailed out with these misrepresentations.
- (C) Respondent claims he had no knowledge of the mailing but admits that he asked the person who heads up his marketing efforts to set it up. Respondent states that he sent a similar letter on May 14<sup>th</sup> to two hundred ten people; this letter did not contain the above-mentioned misrepresentations.

- (D) R.C. 1322.07(B) states that no mortgage broker, registrant, licensee or applicant for a certificate of registration or license under sections 1322.01 to 1322.12 of the Revised Code shall do any of the following: Make false or misleading statements of a material fact, omissions of statements required by state law, or false promises regarding a material fact, through advertising or other means, or engage in a continued course of misrepresentations.
- (E) R.C. 1322.07(C) states that no mortgage broker, registrant, licensee or applicant for a certificate of registration or license under sections 1322.01 to 1322.12 of the Revised Code shall do any of the following: engage in conduct that constitutes improper, fraudulent, or dishonest dealings.
- (F) The Division considers the content of Respondent's advertisement, specifically the claims that he owns The Home Lending Center and that the Home Lending Center was formerly known as Lakeside Mortgage, Inc. as false statements of a material fact.
- (G) The Division considers Respondent's advertisement, which contained misrepresentations, as improper, fraudulent, or dishonest dealings. Consequently, the Division maintains that Respondent violated R.C. 1322.07(B) and R.C. 1322.07(C).

WHEREAS, Charles Brinkman admits the allegations of the Division, and in order to avoid the cost and uncertainty of litigation Respondent agrees to enter into this Consent Order for purposes of settlement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties agree to the following:


- 1) The parties acknowledge and agree to the accuracy of the foregoing recitals.
- 2) This Settlement and Consent Order represents a compromise between the parties for the full, complete, and final settlement of all of their claims, differences, and causes of action with respect to the allegations contained in the Notice.
- 3) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their shareholders, partners, members, assigns, and successors in interest.
- 4) The Division hereby terminates the Notice of Violation issued August 23, 2007, and agrees that it shall not, as long as Respondent is in compliance with this Settlement and Consent Order pursue the matters set forth in such Notice through its administrative process. Nothing, however, in this order shall be deemed to prevent the Division or its employees, agents, or assigns from participating in, as a witness or otherwise, any lawful action by another, or obeying any lawful court order, arising out of or related to the matters set forth in the Notice.

- 5) Nothing in this Settlement and Consent Order shall be deemed an admission of guilt or liability, or agreement with the allegations set forth in the Notice on the part of Respondent.
- 6) Respondent acknowledges lawful service and receipt of the Notice, and stipulates to the jurisdiction of the Division in this matter.
- 7) The Respondent hereby agrees to forego its administrative remedies, and waive any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 8) This Settlement and Consent Order shall be effective on the date it is signed by the Superintendent of the Division of Financial Institutions and on such date it will become a final order.
- 9) This Settlement and Consent Order contains the entire agreement between the parties as to the matters set forth herein and no promises, conditions or obligations, either expressed or implied, other than those set forth herein, shall be binding on either party.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that:

- A. The parties to this Settlement and Consent Order shall abide by the terms of this order as agreed.
- B. Respondent agrees to abide by the provisions of the Ohio Mortgage Broker Act and the rules thereunder, particularly R.C. 1322.09 and O.A.C. 1301:8-7-07 which includes the Division's regulations regarding advertising. Respondent agrees to abide by R.C. 1322.07(B) and R.C. 1322.07(C).
- C. The Respondent is hereby assessed a fine in the amount of Three Thousand Five Hundred Dollars (\$3,500). Respondent shall pay the amount of Three Thousand Five Hundred Dollars (\$3,500) to the Consumer Finance Fund pursuant to R.C. § 1321.21 within ten days of the effective date of this Settlement and Consent Order. Payment shall be made by certified check or money order made payable to the Ohio Division of Financial Institutions delivered to the Division's counsel.

The Respondent understands that any breach of this Settlement and Consent Order may result in the reinstitution of administrative proceedings, including suspension or revocation, the imposition of additional fines and any other remedy available to the Division.

  
\_\_\_\_\_  
John Reardon  
Superintendent of Financial Institutions

10/15/07  
Date

Approved and Agreed

  
\_\_\_\_\_  
Charles Brinkman

10-12-07  
Date

s:/legal/martha/brinkman consent order 8-17-07.doc

