

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

In the matter of:	)	Case No. M2007-136
	)	
<b>INDEPENDENT MORTGAGE CORP.</b>	)	<b>Notice of Intent to Revoke</b>
38030 Second Street, Suite B	)	<b>Mortgage Broker Registration</b>
Willoughby, Ohio 44094	)	<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, and the rules adopted thereunder.

**RESPONDENT**

**INDEPENDENT MORTGAGE CORP.** ("Respondent") holds a mortgage broker certificate of registration issued by the Division. Its business address of record is 38030 Second St., Suite B, Willoughby, Ohio 44094.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. 1322.10(A)(1)(a), and pursuant to R.C. Chapter 119, the Division intends to REVOKE Respondent's mortgage broker certificate of registration.

**BASIS FOR PROPOSED ACTION**

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

- A. In accordance with R.C. 1322.10(A)(1)(a), the superintendent of the Division may revoke a mortgage broker certificate of registration if the superintendent finds "a violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of Revised Code or the rules adopted under those sections or any other law applicable to the business conducted under a certificate of registration."
- B. Ohio Revised Code Section 1322.05(A) requires every registered mortgage broker conducting business in the State of Ohio to maintain "in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state." See, R.C. 1322.05(A).
- C. On or about April 28, 2006, Respondent submitted a "continuation certificate" in support of Respondent's application to renew its certificate of registration, which stated that Respondent's mortgage broker bond issued by The Hartford Insurance Group would remain in force until April 30, 2007.

- D. On or about November 27, 2006, the Division was notified by The Hartford Insurance Group that it was terminating its liability under the mortgage broker bond issued to Respondent, effective December 31, 2006.
- E. On or about November 29, 2006, the Division sent a letter to Respondent notifying it of the deficiency under R.C. Section 1322.05(A).
- F. As of the date of this Notice, the Respondent has not provided the Division with evidence of a new bond, as required by R.C. Section 1322.05(A), or taken any other official action to correct the deficiency.

As a result of the findings listed above, the Division has determined that Respondent's certificate of registration should be REVOKED, pursuant to R.C. Section 1322.10(A)(1)(a).

#### **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 permanently revoking Respondent's mortgage broker certificate of registration.

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: Steve DeFrank, Consumer Finance Associate Counsel, 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.

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 revoking Respondent's mortgage broker certificate of registration.

Signed and sealed this 6th day of April 2007.

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**RICHARD F. KECK**

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