

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

In the matter of:	)	Case No. M2008-533
	)	
<b>TRANSOHIO MORTGAGE AND LOAN, INC.</b>	)	<b>Notice of Intent to Revoke Mortgage</b>
4423 Renaissance Parkway	)	<b>Broker Certificate of Registration</b>
Cleveland, Ohio 44128	)	<b>&amp;</b>
	)	<b>Notice of Opportunity for a Hearing</b>
	)	

---

**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**

**TRANSOHIO MORTGAGE AND LOAN, INC.** ("Respondent") holds a mortgage broker certificate of registration issued by the Division. Its last known business address of record is 4423 Renaissance Parkway, Cleveland, Ohio 44128.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. 1322.10, 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, found 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 that a mortgage broker has committed a "violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code[.]"
- B. The Division is authorized by R.C. 1322.06(A) to examine mortgage broker records that "[pertain] to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code.
- C. R.C. 1322.06(B) requires registrants to "maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code" and prohibits registrants from failing to comply.
- D. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to maintain an alphabetical index of buyers as required by Ohio Admin. Code 1301:8-7-06(H)(1).

- E. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to maintain any disclosures other than HUDS as required by R.C. 1322.06(B).
- F. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to maintain buyer files as required by Ohio Admin. Code 1301:8-7-06(H)(3).
- G. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to maintain a special account as required by R.C. 1322.08(A).
- H. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to notify the Division of legal actions taken against Respondent as required by R.C. 1322.05(B).
- I. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to disclose in advertisements the number designated on the certificate of registration as required by R.C. 1322.09.
- J. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was suspected that 6 (six) loans had fraudulent activity for a borrower by the name of Keith Spikes in violation of R.C. 1322.07(E).
- K. In a compliance examination conducted pursuant to R.C. 1322.06 on February 5, 2008, it was determined that Respondent failed to provide any of the disclosures required under state and federal law to the borrower as required by R.C. 1345.02(F)(1).

As a result of the above findings, the Division finds:

- 1. Because Respondent violated R.C. 1322.06(B), Ohio Admin. Code 1301:8-7-06(H)(1), R.C. 1322.06(B), Ohio Admin. Code 1301:8-7-06(H)(3), R.C. 1322.08(A), R.C. 1322.05(B), R.C. 1322.09, R.C. 1322.07(E), R.C. 1345.02(F)(1) the Division is authorized under R.C. 1322.10(A)(1) to revoke Respondent's mortgage broker certificate of registration pursuant to R.C. 1322.10(A)(2).

#### **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 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 Attorney Examiner, 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. Note: a limited liability company must be represented by a person who is legally authorized to appear before the Agency, such as an attorney.

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 31st day of December 2008.

---

**LEIGH A. WILLIS**

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