

Bob Taft
Governor

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

Doug White
Director

In the matter of:

ALPHA MORTGAGE LENDING, LLC.
230 Northland Boulevard, Suite 309
Cincinnati, Ohio 45246

) Case No. 06-0003-MBD
)
) AMENDED Notice of Intent to Deny Renewal of Mortgage Broker
) Certificate of Registration
) &
) Notice of Opportunity for a Hearing
)

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

ALPHA MORTGAGE LENDING, LLC. ("Respondent") is a corporation that held a certificate of registration issued by the Division to engage in business as a mortgage broker pursuant to the Ohio Mortgage Broker Act. Respondent's certificate of registration expired on April 30, 2005, and Respondent filed an application to renew its certificate of registration and that renewal application remains pending. Respondent's business address is 230 Northland Boulevard, Suite 309, Cincinnati, Ohio 45246.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.04 (B) and 1322.10 (A)(1)(a) of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's renewal application for its mortgage broker certificate of registration.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.10 (B), and has found the following:

- A. In order for the Division to renew Respondent's mortgage broker certificate of registration, the Division must find pursuant to R.C. 1322.04 (B)(3) that Respondent's operations manager "meets the experience requirements provided in division (A)(4) of section 1322.03 of the Revised Code." (See R.C. 1322.04 (A)(3)).
- B. Currently, Respondent does not have a designated operations manager who meets the requirements outlined in R.C. 1322.03 (A)(4).
- C. As a result of Respondent's non-compliance with R.C. 1322.03 (A)(4) by not having an operations manager who meets the experience requirements, the Division cannot find that the condition for renewal as outlined in R.C. 1322.04 (A)(3) and (B)(3) has been met and as such, the Division, under the authority granted it in R.C. 1322.10 (A)(1)(a) and in the Division's compliance with R.C. 1322.04 (B), refuses to renew Respondent's mortgage broker certificate of registration.

- D. In order for the Division to renew Respondent's mortgage broker certificate of registration, the Division must find pursuant to R.C. 1322.04 (B)(2) that Respondent's operations manager, as designated under 1322.03, "has completed, during the immediately preceding calendar year, at least six hours of continuing education as required under section 1322.052 of the Revised Code."
- E. Respondent's operations manager failed to comply with R.C. 1322.052 by not completing at least six hours of continuing education during the 2004 calendar year.
- F. As a result of Respondent's failure to meet the condition for renewal as outlined in 1322.04 (B)(2), the Division, under the authority granted it in R.C. 1322.10 (A)(1)(a) and in the Division's compliance with R.C. 1322.04 (B), refuses to renew Respondent's mortgage broker certificate of registration.
- G. In order for the Division to renew Respondent's mortgage broker certificate of registration, the Division must find pursuant to R.C. 1322.04 (B)(3) that Respondent "complies with sections 1322.01 to 1322.12 of the Revised Code." (See R.C. 1322.04 (A)(6).)
- H. Respondent does not have a designated operations manager who meets the experience requirements of R.C. 1322.03(A)(4) and Respondent is not compliant with R.C. 1322.052, and as such, Respondent is not "compli[ant] with sections 1322.01 to 1322.12 of the Revised Code." (See R.C. 1322.04 (A)(6).)
- I. As a result of Respondent's non-compliance with R.C. 1322.03 (A)(4) and 1322.052, the Division cannot find that the condition for renewal as outlined in R.C. 1322.04 (A)(6) and (B)(3) has been met and as such, the Division, under the authority granted it in R.C. 1322.10(A)(1)(a), refuses to renew Respondent's mortgage broker certificate of registration.

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 denying the application for renewal of 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: Mark L. Rhea—Consumer Finance Staff Attorney, 77 South High Street, 21st 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 denying Respondent's mortgage broker certificate of registration renewal application.



Signed and sealed this 9th day of March 2006.

A handwritten signature in cursive script, reading "Robert M. Grieser", written over a horizontal line.

ROBERT M. GRIESER

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