



Ohio Department of Commerce

Division of Financial Institutions
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Ted Strickland
Governor

Kimberly A. Zurz
Director

In the matter of:)	
)	
CREATIVE LENDING SOLUTIONS, INC)	Case No. M2006-9992750
4145 Crossgate Square)	
Cincinnati, Ohio 45236)	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, Creative Lending Solutions, Inc. ("Respondent") is a Mortgage Broker as defined under R.C. Chapter 1322. Respondent's address of record is 4145 Crossgate Square, Cincinnati, Ohio 45236; and

WHEREAS, on April 27, 2006, the Division issued Respondent a Notice of Intent to Revoke Mortgage Broker Certificate of Registration and Notice of Opportunity for a Hearing; and

WHEREAS, the Notice contained findings that:

- A. In or around 1995, in the Court of Common Pleas, Hamilton County, Ohio, Eric L. Shropshire, fifty (50) percent shareholder and vice-president/secretary of Respondent, pleaded guilty to and was convicted of FORGERY, a felony of the fourth degree.
- B. On or around July 19, 1999, Respondent attested in a sworn statement that information it provided about the criminal background of one of its senior officers and shareholders (namely Eric L. Shropshire) on its mortgage broker certificate of registration application it submitted to the Division was complete and truthful when it was not.
- C. On or around July 27, 1999, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information about the criminal background of one of its senior officers and shareholders (namely Eric L. Shropshire) to the Division.
- D. In March 2004, the Division found that Eric L. Shropshire's character and general fitness did not command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act.

- E. In March 2004, the Division found that Eric L. Shropshire violated R.C. 1322.07(A), which prohibits a loan officer applicant from “mak[ing] any substantial misrepresentation in any registration or license application[.]”
- F. In March 2004, the Division found that Eric L. Shropshire violated R.C. 1322.07(B), which prohibits a loan officer applicant from “[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statements of material fact, [or] omissions of statements required by state law[.]”
- G. In March 2004, the Division found that Eric L. Shropshire violated R.C.1322.07(C), which prohibits a loan officer form “[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
- H. On or around April 14, 2004, Respondent attested in a sworn statement that information it provided about administrative actions or orders that one of its shareholders or officers (namely Eric L. Shropshire) was subject to in its 2004 mortgage broker renewal application it submitted to the Division was complete and accurate when it was not.
- I. On or around April 28, 2004, Respondent provided untruthful information to the Division regarding administrative actions or orders that one of its shareholders or officers (namely Eric L Shropshire) was subject to.
- J. On or around April 18, 2005, Respondent attested in a sworn statement that information it provided about administrative actions or orders that one of its shareholders or officers (namely Eric L. Shropshire) was subject to on its 2005 mortgage broker renewal application it submitted to the Division was complete and accurate when it was not.

As a result of the findings the Division has determined that:

- 1. Respondent’s character and general fitness do not command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act See R.C. 1322.041(A)(5)
- 2. Respondent’s actions listed in Paragraphs B and C violated R.C. 1322.07(A), as written in the 1999, which prohibits a mortgage broker applicant from “[o]btain[ing] a certificate of registration through any false or fraudulent representation or mak[ing] any substantial misrepresentation in any registration application[.]”
- 3. Respondent’s actions listed in Paragraphs B and C violated R.C. 1322.07(C), as written in 1999, which prohibits a mortgage broker applicant from “[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”

4. Respondent's actions listed in paragraphs H, I, J, and K violated R.C. 1322.07(A), which prohibits a mortgage broker applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
5. Respondent's actions listed in Paragraphs H, I, J, and K violated R.C. 1322.07(B), which prohibits a mortgage broker applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statements required by state law[.]"
6. Respondents actions listed in paragraphs H, I, J, and K violated R.C 1322.07(C), which prohibits a mortgage broker applicant from "[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."

WHEREAS, upon receipt of the Notice, Respondent timely requested an administrative hearing which was held on September 28, 2006. A Report and Recommendation ("Report") was issued March 23, 2007 and filed with the Division on March 26, 2007, recommending that the Division not revoke the Respondent's certificate of registration. No objections were filed; and

WHEREAS, on April 7, 2008, the Division issued a Division Order that in part modified and disapproved the findings of fact and conclusions of law pursuant to R.C.119.09. The Order revoked Respondent's mortgage broker's certificate of registration. Pursuant to R.C. 119.12, Respondent filed an appeal to said Division Order in the Hamilton County Court of Common Pleas, Case No. A 0803994, and said appeal is currently pending;

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 facts recited above.
- 2) Respondent acknowledges lawful service and receipt of the Notice, Report and Recommendation, and Division Order, and stipulates to the jurisdiction of the Division in this matter.
- 3) Nothing in this Settlement and Consent Order shall be deemed to prevent the Division or its employees, agents, or assignees 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.
- 4) In lieu of proceeding with an appeal under R.C. 119.12 on this matter, Respondent agrees to dismiss the appeal currently pending in the Hamilton County Court of Common Pleas. Respondent agrees that Eric Shropshire will no longer be an officer, employee, shareholder, or share office space with Respondent. Respondent agrees to

pay a civil penalty to the Division the in amount of five thousand dollars (\$5,000.00). payable by certified check or money order to the Consumer Finance Fund.

- 5) Respondent agrees to forego its administrative remedies, and waives any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 6) In exchange for the fulfillment of the conditions in paragraphs 1 though 5 above the Division agrees to terminate and vacate with prejudice the April 7, 2008 Division Order revoking Respondent's mortgage broker's certificate of registration.
- 7) This Settlement and Consent Order shall be effective on the date it is signed by the Deputy Superintendent of the Division of Financial Institutions and on such date it will become a final order superseding the Division Order issued on April 7, 2008.
- 8) 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.
- 9) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto and their shareholders, partners, members, assignees, and successors in interest concerning issues raised in the April 27, 2006, Notice of Intent to Revoke Mortgage Broker Certificate of Registration and Notice of Opportunity for a Hearing.
- 10) Respondent releases the Division, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter. Respondent shall not seek attorney fees or other costs arising from the within matter.
- 11) This Settlement and Consent Order shall be considered a public record as that term is used in R.C. 149.43, and may be reported to appropriate organizations, data banks, and governmental bodies, or released to the general public.
- 12) Respondent has been advised by the Division to seek legal counsel if it has any questions concerning the terms and/or effect of this Settlement and Consent Order.
- 13) Respondent must submit this Settlement and Consent Order completed per the terms dictated herein, no later than September 29, 2008.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that the parties to this Settlement and Consent Order shall abide by the terms of this Order as agreed.

Approved and Agreed:

9/19/08

Harjinder Sandhu Date
President Creative Lending Solutions

10/6/08

Leigh A. Willis Date

9/23/08

Thomas I. Blackburn Date
Buckley King, LPA
Attorney for Creative Lending Solutions