

*** DRAFT - NOT YET FILED ***

TO BE RESCINDED

1301:8-7-03 **Mortgage broker application for a certificate of registration--main office; branch office; issuance and expiration of certificate.**

(A) To apply for a mortgage broker certificate of registration, an applicant must submit all of the following for the applicant's main office location:

- (1) A non-refundable application fee of three hundred fifty dollars;
- (2) A completed and properly executed "Application for a Mortgage Broker Certificate of Registration" form approved by the superintendent of the division of financial institutions. If the registration application is incomplete when submitted, it may be deemed unacceptable and returned for completion. An application is deemed incomplete if it does not have the necessary documents attached; if it is not accompanied by the appropriate fee(s); if any portion of it is not properly executed; if any portion of it is missing; or if any questions are unanswered, incompletely answered or missing any required details. An application for a mortgage broker certificate of registration requires submission of all of the following:
 - (a) A copy of the surety bond issued in compliance with section 1322.05 of the Revised Code and rule 1301:8-7-14 of the Administrative Code;
 - (b) Proof that the applicant has established a special account that fulfills the requirements of section 1322.08 of the Revised Code and rule 1301:8-7-05 of the Administrative Code;
 - (c) A letter of good standing issued by the Ohio secretary of state that is not more than sixty days old;
 - (d) A copy of the appointment of a statutory agent filed with the Ohio secretary of state upon whom process may be served. The secretary of state requires the statutory agent to be either a natural person that resides in Ohio, or a corporation that holds a license under the laws of Ohio that is authorized by its articles of incorporation to act as an agent and that has an Ohio business address;
 - (e) If the applicant will use a trade or alternative business name, a copy of the certificate of authority issued by the Ohio secretary of state must be

included with the application. Trade or alternative business names, and service marks must comply with rule 1301:8-7-22 of the Administrative Code;

- (f) A copy of the lease or rental agreement for the location at which the business will be transacted showing that the applicant is contractually responsible, or proof that the applicant owns the location. At least one office location must meet the minimum standards set forth in paragraph (G) of rule 1301:8-7-02 of the Administrative Code;
 - (g) A photograph of the location at which the business will be transacted;
 - (h) If the application is for a location that is a residence, the applicant must submit proof that the applicant owns or is responsible for rent or lease of the residence, and:
 - (i) A certified copy of a zoning permit authorizing the use of the residence for commercial purposes; or
 - (ii) A written opinion or other document issued by the county or political subdivision where the residence is located certifying that the use of the residence to transact business as a mortgage broker is not prohibited;
 - (i) Evidence that the applicant's operations manager has successfully completed the examination required under division (A) of section 1322.051 of the Revised Code. The individual designated as an applicant's operations manager must be approved by the superintendent of the division of financial institutions, in accordance with rule 1301:8-7-12 of the Administrative Code, before the individual may sit for the examination.
- (3) If the applicant is applying for a certificate of registration for more than one location, the applicant must submit a branch office application in accordance with paragraph (B) of this rule for each location other than the main office.
- (4) Any other information requested by the superintendent.
- (B) To apply for a mortgage broker certificate of registration for a branch office, an applicant must submit all of the following:
- (1) A non-refundable application fee of three hundred fifty dollars;

- (2) A completed and properly executed "Branch Office Application for a Mortgage Broker Certificate of Registration" form approved by the superintendent of the division of financial institutions. If the branch office registration application is incomplete when submitted, it may be deemed unacceptable and returned for completion. An application is deemed incomplete if it does not have the necessary documents attached; if it is not accompanied by the appropriate fee(s); if any portion of it is not properly executed; if any portion of it is missing; or if any questions are unanswered, incompletely answered or missing any required details. An application for a mortgage broker certificate of registration for a branch office location requires all of the following:
- (a) Evidence that the registrant has complied with the surety bond requirements of section 1322.05 of the Revised Code and rule 1301:8-7-14 of the Administrative Code;
 - (b) A letter of good standing issued by the Ohio secretary of state that is not more than sixty days old;
 - (c) If the applicant will use a trade or alternative business name for the branch office location, a copy of the certificate of authority issued by the Ohio secretary of state must be included with the application. Trade or alternative business names, and service marks must comply with rule 1301:8-7-22 of the Administrative Code.
 - (d) A copy of the lease or rental agreement for the location at which the business will be transacted showing that the applicant is contractually responsible, or proof that the applicant owns the location. Branch office arrangements must comply with the provisions of rule 1301:8-7-02 of the Administrative Code.
 - (e) A photograph of the location at which the business will be transacted; and
 - (f) If the application is for a location that is a residence, the applicant must submit proof that the applicant owns or is responsible for rent or lease of the residence, and;
 - (i) A certified copy of a zoning permit authorizing the use of the residence for commercial purposes; or
 - (ii) A written opinion or other document issued by the county or political subdivision where the residence is located certifying that the use of the residence to transact business as a mortgage broker

is not prohibited.

- (C) The division of financial institutions may not accept main office applications for mortgage broker certificates of registration in the months of April and May because of the volume of license renewals during those months. Any applications for initial registration received during April and May may not be accepted for filing and may be returned to the sender.
- (D) Each question on the registration application, including any exhibit and attachment, is material to the licensing process. Submitting false or incomplete information or omitting information in connection with a registration application is grounds for denial or revocation of the registration certificate and may subject the applicant and individuals who signed the application to civil and or criminal penalties.
- (E) If the information contained in an application for registration as a mortgage broker becomes inaccurate for any reason before the applicant becomes registered, the applicant shall be responsible for correcting the inaccurate information within thirty days of the change unless required otherwise by rule 1301:8-7-19 of the Administrative Code.
- (F) An applicant may request the withdrawal of an application prior to a determination of the application being made by the superintendent of the division of financial institutions by submitting a written request that the application be withdrawn. A request to withdraw an application for a mortgage broker certificate of registration can only be submitted by those individuals who signed the application. The application may only be withdrawn with the permission of the superintendent.
- (G) All application fees are non-refundable regardless of whether an application is withdrawn or denied.
- (H) Filing an application for a mortgage broker certificate of registration does not authorize an applicant to act as a mortgage broker. To be authorized to act as a mortgage broker as defined in division (G) of section 1322.01 of the Revised Code, a person must hold an active certificate of registration for each location at which the person will conduct business as a mortgage broker.
- (I) Upon approval of an application, a certificate of registration will be issued for the remainder of the annual registration period. A separate certificate of registration will be issued for each registered office identifying the office address, the name of the registrant, and any trade or alternative name to be used for the location.
- (J) A certificate of registration may be renewed annually on or before the thirtieth day of

April if the registrant complies with division (B) of section 1322.04 of the Revised Code and rule 1301:8-7-04 of the Administrative Code.

- (K) Once a certificate of registration is issued, the registrant is under a continuing duty to update the information contained in the registration application, and to report to the division all changes or additions to information in the application within thirty days of the change unless required otherwise by rule 1301:8-7-19 of the Administrative Code. This does not relieve the registrant from any other filing, including relocation filings, required by law or rule.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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