

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 199**

**Representative Blessing**

**Cosponsors: Representatives Seitz, Wiggam, Sprague, Brenner, Hughes, Dever,  
Carfagna, Hambley, Miller, Patton, Schaffer, Scherer, Young**

**Senators Hottinger, Coley, Dolan, Eklund, Gardner, Hackett, Hoagland, Oelslager,  
Terhar, Wilson**

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**A BILL**

To amend sections 9.02, 109.572, 1181.21, 1181.25, 1  
1315.21, 1319.12, 1321.02, 1321.51, 1321.52, 2  
1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 3  
1321.58, 1321.59, 1321.60, 1321.631, 1321.72, 4  
1321.99, 1322.01, 1322.02, 1322.021, 1322.023, 5  
1322.024, 1322.025, 1322.03, 1322.031, 1322.04, 6  
1322.041, 1322.042, 1322.043, 1322.05, 1322.051, 7  
1322.052, 1322.06, 1322.061, 1322.065, 1322.07, 8  
1322.072, 1322.073, 1322.074, 1322.075, 9  
1322.081, 1322.09, 1322.10, 1322.11, 1322.12, 10  
1322.99, 1329.71, 1335.02, 1345.01, 1349.27, 11  
1349.43, 1349.44, 1349.45, 1349.99, 2923.31, 12  
4712.01, 4719.01, 4728.11, 4735.05, and 4763.03; 13  
to amend, for the purpose of adopting new 14  
section numbers as indicated in parentheses, 15  
sections 1322.02 (1322.07), 1322.021 (1322.16), 16  
1322.023 (1322.05), 1322.024 (1322.02), 1322.025 17  
(1322.55), 1322.03 (1322.09), 1322.031 18  
(1322.20), 1322.04 (1322.10), 1322.041 19  
(1322.21), 1322.042 (1322.24), 1322.043 20  
(1322.25), 1322.05 (1322.32), 1322.051 21

(1322.27), 1322.052 (1322.28), 1322.06 22  
(1322.34), 1322.061 (1322.36), 1322.065 23  
(1322.17), 1322.07 (1322.40), 1322.072 24  
(1322.35), 1322.073 (1322.15), 1322.074 25  
(1322.41), 1322.075 (1322.42), 1322.081 26  
(1322.45), 1322.09 (1322.46), 1322.10 (1322.50), 27  
1322.101 (1322.51), 1322.11 (1322.52), and 28  
1322.12 (1322.57); to enact new sections 1322.04 29  
and 1322.12 and sections 1322.29, 1322.30, 30  
1322.43, and 1322.56; and to repeal sections 31  
1321.521, 1321.522, 1321.531, 1321.532, 32  
1321.533, 1321.534, 1321.535, 1321.536, 33  
1321.537, 1321.538, 1321.552, 1321.592, 34  
1321.593, 1321.594, 1322.022, 1322.062, 35  
1322.063, 1322.064, 1322.071, and 1322.08 of the 36  
Revised Code to create the Ohio Residential 37  
Mortgage Lending Act for the purpose of 38  
regulating all non-depository lending secured by 39  
residential real estate, to limit the 40  
application of the current Mortgage Loan Law to 41  
unsecured loans and loans secured by other than 42  
residential real estate, and to modify an 43  
exemption to the Ohio Consumer Installment Loan 44  
Act. 45

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.02, 109.572, 1181.21, 1181.25, 46  
1315.21, 1319.12, 1321.02, 1321.51, 1321.52, 1321.53, 1321.54, 47  
1321.55, 1321.551, 1321.57, 1321.58, 1321.59, 1321.60, 1321.631, 48

1321.72, 1321.99, 1322.01, 1322.02, 1322.021, 1322.023, 49  
1322.024, 1322.025, 1322.03, 1322.031, 1322.04, 1322.041, 50  
1322.042, 1322.043, 1322.05, 1322.051, 1322.052, 1322.06, 51  
1322.061, 1322.065, 1322.07, 1322.072, 1322.073, 1322.074, 52  
1322.075, 1322.081, 1322.09, 1322.10, 1322.11, 1322.12, 1322.99, 53  
1329.71, 1335.02, 1345.01, 1349.27, 1349.43, 1349.44, 1349.45, 54  
1349.99, 2923.31, 4712.01, 4719.01, 4728.11, 4735.05, and 55  
4763.03 be amended; sections 1322.02 (1322.07), 1322.021 56  
(1322.16), 1322.023 (1322.05), 1322.024 (1322.02), 1322.025 57  
(1322.55), 1322.03 (1322.09), 1322.031 (1322.20), 1322.04 58  
(1322.10), 1322.041 (1322.21), 1322.042 (1322.24), 1322.043 59  
(1322.25), 1322.05 (1322.32), 1322.051 (1322.27), 1322.052 60  
(1322.28), 1322.06 (1322.34), 1322.061 (1322.36), 1322.065 61  
(1322.17), 1322.07 (1322.40), 1322.072 (1322.35), 1322.073 62  
(1322.15), 1322.074 (1322.41), 1322.075 (1322.42), 1322.081 63  
(1322.45), 1322.09 (1322.46), 1322.10 (1322.50), 1322.101 64  
(1322.51), 1322.11 (1322.52), and 1322.12 (1322.57) be amended 65  
for the purpose of adopting new section numbers as shown in 66  
parentheses; and new sections 1322.04 and 1322.12 and sections 67  
1322.29, 1322.30, 1322.43, and 1322.56 of the Revised Code be 68  
enacted to read as follows: 69

**Sec. 9.02.** (A) As used in this section: 70

(1) "Customer" means any person or authorized 71  
representative of that person who has maintained or is 72  
maintaining an account or deposit of any type, or has utilized 73  
or is utilizing any service of a financial institution, or for 74  
whom a financial institution has acted or is acting as a 75  
fiduciary in relation to an account or deposit maintained in the 76  
person's name. 77

(2) "Governmental authority" includes the state, any 78

political subdivision, district, or court, and any agency, 79  
department, officer, or authorized employee of any of those 80  
entities. 81

(3) "Financial institution" means any bank, building and 82  
loan association, trust company, credit union, licensee as 83  
defined in section 1321.01, ~~or~~ registrant as defined in section 84  
1321.51 of the Revised Code, or person registered as a mortgage 85  
lender under Chapter 1322. of the Revised Code. 86

(4) "Financial record" means any record, including 87  
statements or receipts, and checks, drafts, or similar 88  
instruments, or information derived from such record, that is 89  
maintained by a financial institution and that pertains to a 90  
deposit or account of a customer, a service of the financial 91  
institution utilized by a customer, or any other relationship 92  
between a customer and the financial institution. 93

(5) "Supervisory review" means any examination of or other 94  
supervisory action with respect to a financial institution, 95  
where such examination or action is conducted or taken pursuant 96  
to authority granted under the Revised Code, or rules 97  
promulgated pursuant thereto by the agency having regulatory 98  
jurisdiction over such institution. 99

(B) Any party, including a governmental authority, that 100  
requires or requests a financial institution to assemble or 101  
provide a customer's financial records in connection with any 102  
investigation, action, or proceeding shall pay the financial 103  
institution for all actual and necessary costs directly incurred 104  
in searching for, reproducing, or transporting these records, if 105  
the financial institution is not a party to the investigation, 106  
action, or proceeding, is not a subject of supervisory review in 107  
the investigation, action, or proceeding, or is a party to the 108

investigation, action, or proceeding solely by reason of its 109  
holding of assets of another party defendant, with no cause of 110  
action alleged against the financial institution. This payment 111  
shall be made to the financial institution promptly, whether or 112  
not the financial records are entered into evidence. If the 113  
records are produced pursuant to a court order or subpoena duces 114  
tecum, the party requesting the order or subpoena is responsible 115  
for making the payment. With respect to any judicial or 116  
administrative proceeding for which the records are requested, 117  
payment of these costs shall be in addition to any witness fees. 118

(C) The rates and conditions for making payments required 119  
by division (B) of this section shall be established by rule by 120  
the superintendent of financial institutions. To the extent that 121  
they are applicable, such respective rules shall be 122  
substantially like those adopted by the board of governors of 123  
the federal reserve system to regulate similar fees required by 124  
the "Right to Financial Privacy Act of 1978," 92 Stat. 3708, 12  
U.S.C.A. 3415. 126

(D) (1) This section is not intended to expand, limit, or 127  
otherwise affect any authority granted under federal law or the 128  
law of this state to any party, including a governmental 129  
authority, to procure, request, or require a customer's 130  
financial records. This section does not apply to investigations 131  
or examinations conducted under authority granted by Chapter 132  
169., 1707., 3737., or 4735. of the Revised Code. 133

(2) Division (B) of this section does not apply to 134  
financial records required to be assembled or provided pursuant 135  
to a subpoena, demand for production, request for records, or 136  
demand for inspection issued by or on motion of the attorney 137  
general or the organized crime investigations commission, to a 138

subpoena issued by or on motion of a prosecuting attorney who 139  
has probable cause to believe that a crime has been committed, 140  
or to a subpoena issued by a grand jury, if all of the following 141  
apply: 142

(a) The financial records or copies of the financial 143  
records are subpoenaed for purposes of a criminal investigation 144  
or prosecution; 145

(b) The subpoena is delivered to the financial institution 146  
at least ten days before the records are to be provided; 147

(c) The subpoena identifies individual items to be 148  
provided or is for statements of the customer's account for a 149  
specified period of time but only as is relevant to the possible 150  
crime being investigated. 151

If any financial record assembled or provided by a 152  
financial institution pursuant to such a subpoena or any 153  
information derived from the financial record is introduced as 154  
evidence in any criminal trial and if any nonindigent defendant 155  
is convicted of an offense at that trial, the trial court shall 156  
charge against the defendant, as a cost of prosecution, all 157  
actual and necessary costs directly incurred by the financial 158  
institution in searching for, reproducing, or transporting the 159  
financial records provided the financial institution is not a 160  
defendant at the trial. A defendant against whom costs are 161  
charged pursuant to this division shall pay the costs to the 162  
court which shall forward the payment to the financial 163  
institution. For purposes of this division, the trial court 164  
shall determine whether a defendant is indigent. The rates of 165  
payment established by rule pursuant to division (C) of this 166  
section shall be used by the trial court in charging costs under 167  
this division. 168

(E) Notwithstanding division (D) of this section, in any proceeding, action, or investigation that involves an alleged violation of section 2921.02, 2921.41, 2921.42, or 2921.43 of the Revised Code, that either involves a property interest of the state or occurred within the scope of state employment or during the performance of a state public official's or state public servant's duties, and in which a financial institution is required or requested to assemble or provide financial records, the financial institution has a right of reimbursement from the state treasury for all actual and necessary costs incurred in searching for, reproducing, or transporting the financial records, at the rates established by rule under division (C) of this section. The reimbursement shall be made only if the financial institution is not a party to, or subject of the investigation, action, or proceeding, or is a party to the investigation, action, or proceeding solely by reason of its holding assets of another party defendant, with no cause of action alleged against the financial institution, and only if the financial institution has not acted negligently in the management of the deposit, account, service, or other relationship to which those financial records pertain. The reimbursement shall be made promptly, whether or not the financial records are entered into evidence. As used in this division, "state" means only the state of Ohio and does not include any political subdivision.

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and

investigation shall conduct a criminal records check in the 200  
manner described in division (B) of this section to determine 201  
whether any information exists that indicates that the person 202  
who is the subject of the request previously has been convicted 203  
of or pleaded guilty to any of the following: 204

(a) A violation of section 2903.01, 2903.02, 2903.03, 205  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 206  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 207  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 208  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 209  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 210  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 211  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 212  
sexual penetration in violation of former section 2907.12 of the 213  
Revised Code, a violation of section 2905.04 of the Revised Code 214  
as it existed prior to July 1, 1996, a violation of section 215  
2919.23 of the Revised Code that would have been a violation of 216  
section 2905.04 of the Revised Code as it existed prior to July 217  
1, 1996, had the violation been committed prior to that date, or 218  
a violation of section 2925.11 of the Revised Code that is not a 219  
minor drug possession offense; 220

(b) A violation of an existing or former law of this 221  
state, any other state, or the United States that is 222  
substantially equivalent to any of the offenses listed in 223  
division (A)(1)(a) of this section; 224

(c) If the request is made pursuant to section 3319.39 of 225  
the Revised Code for an applicant who is a teacher, any offense 226  
specified in section 3319.31 of the Revised Code. 227

(2) On receipt of a request pursuant to section 3712.09 or 228  
3721.121 of the Revised Code, a completed form prescribed 229



pursuant to division (C)(1) of this section, and a set of 230  
fingerprint impressions obtained in the manner described in 231  
division (C)(2) of this section, the superintendent of the 232  
bureau of criminal identification and investigation shall 233  
conduct a criminal records check with respect to any person who 234  
has applied for employment in a position for which a criminal 235  
records check is required by those sections. The superintendent 236  
shall conduct the criminal records check in the manner described 237  
in division (B) of this section to determine whether any 238  
information exists that indicates that the person who is the 239  
subject of the request previously has been convicted of or 240  
pleaded guilty to any of the following: 241

(a) A violation of section 2903.01, 2903.02, 2903.03, 242  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 243  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 244  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 245  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 246  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 247  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 248  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 249  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 250

(b) An existing or former law of this state, any other 251  
state, or the United States that is substantially equivalent to 252  
any of the offenses listed in division (A)(2)(a) of this 253  
section. 254

(3) On receipt of a request pursuant to section 173.27, 255  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 256  
5123.081, or 5123.169 of the Revised Code, a completed form 257  
prescribed pursuant to division (C)(1) of this section, and a 258  
set of fingerprint impressions obtained in the manner described 259

in division (C) (2) of this section, the superintendent of the 260  
bureau of criminal identification and investigation shall 261  
conduct a criminal records check of the person for whom the 262  
request is made. The superintendent shall conduct the criminal 263  
records check in the manner described in division (B) of this 264  
section to determine whether any information exists that 265  
indicates that the person who is the subject of the request 266  
previously has been convicted of, has pleaded guilty to, or 267  
(except in the case of a request pursuant to section 5164.34, 268  
5164.341, or 5164.342 of the Revised Code) has been found 269  
eligible for intervention in lieu of conviction for any of the 270  
following, regardless of the date of the conviction, the date of 271  
entry of the guilty plea, or (except in the case of a request 272  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 273  
Revised Code) the date the person was found eligible for 274  
intervention in lieu of conviction: 275

(a) A violation of section 959.13, 959.131, 2903.01, 276  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 277  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 278  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 279  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 280  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 281  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 282  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 283  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 284  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 285  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 286  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 287  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 288  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 289  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 290

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| 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, | 291 |
| 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,  | 292 |
| 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,  | 293 |
| 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;       | 294 |
| (b) Felonious sexual penetration in violation of former          | 295 |
| section 2907.12 of the Revised Code;                             | 296 |
| (c) A violation of section 2905.04 of the Revised Code as        | 297 |
| it existed prior to July 1, 1996;                                | 298 |
| (d) A violation of section 2923.01, 2923.02, or 2923.03 of       | 299 |
| the Revised Code when the underlying offense that is the object  | 300 |
| of the conspiracy, attempt, or complicity is one of the offenses | 301 |
| listed in divisions (A) (3) (a) to (c) of this section;          | 302 |
| (e) A violation of an existing or former municipal               | 303 |
| ordinance or law of this state, any other state, or the United   | 304 |
| States that is substantially equivalent to any of the offenses   | 305 |
| listed in divisions (A) (3) (a) to (d) of this section.          | 306 |
| (4) On receipt of a request pursuant to section 2151.86 of       | 307 |
| the Revised Code, a completed form prescribed pursuant to        | 308 |
| division (C) (1) of this section, and a set of fingerprint       | 309 |
| impressions obtained in the manner described in division (C) (2) | 310 |
| of this section, the superintendent of the bureau of criminal    | 311 |
| identification and investigation shall conduct a criminal        | 312 |
| records check in the manner described in division (B) of this    | 313 |
| section to determine whether any information exists that         | 314 |
| indicates that the person who is the subject of the request      | 315 |
| previously has been convicted of or pleaded guilty to any of the | 316 |
| following:   | 317 |
| (a) A violation of section 959.13, 2903.01, 2903.02,             | 318 |
| 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,   | 319 |

2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 320  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 321  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 322  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 323  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 324  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 325  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 326  
2927.12, or 3716.11 of the Revised Code, a violation of section 327  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 328  
a violation of section 2919.23 of the Revised Code that would 329  
have been a violation of section 2905.04 of the Revised Code as 330  
it existed prior to July 1, 1996, had the violation been 331  
committed prior to that date, a violation of section 2925.11 of 332  
the Revised Code that is not a minor drug possession offense, 333  
two or more OVI or OVUAC violations committed within the three 334  
years immediately preceding the submission of the application or 335  
petition that is the basis of the request, or felonious sexual 336  
penetration in violation of former section 2907.12 of the 337  
Revised Code; 338

(b) A violation of an existing or former law of this 339  
state, any other state, or the United States that is 340  
substantially equivalent to any of the offenses listed in 341  
division (A) (4) (a) of this section. 342

(5) Upon receipt of a request pursuant to section 5104.013 343  
of the Revised Code, a completed form prescribed pursuant to 344  
division (C) (1) of this section, and a set of fingerprint 345  
impressions obtained in the manner described in division (C) (2) 346  
of this section, the superintendent of the bureau of criminal 347  
identification and investigation shall conduct a criminal 348  
records check in the manner described in division (B) of this 349  
section to determine whether any information exists that 350

indicates that the person who is the subject of the request has 351  
been convicted of or pleaded guilty to any of the following: 352

(a) A violation of section 2151.421, 2903.01, 2903.02, 353  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 354  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 355  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 356  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 357  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 358  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 359  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 360  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 361  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 362  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 363  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 364  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 365  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 366  
3716.11 of the Revised Code, felonious sexual penetration in 367  
violation of former section 2907.12 of the Revised Code, a 368  
violation of section 2905.04 of the Revised Code as it existed 369  
prior to July 1, 1996, a violation of section 2919.23 of the 370  
Revised Code that would have been a violation of section 2905.04 371  
of the Revised Code as it existed prior to July 1, 1996, had the 372  
violation been committed prior to that date, a violation of 373  
section 2925.11 of the Revised Code that is not a minor drug 374  
possession offense, a violation of section 2923.02 or 2923.03 of 375  
the Revised Code that relates to a crime specified in this 376  
division, or a second violation of section 4511.19 of the 377  
Revised Code within five years of the date of application for 378  
licensure or certification. 379

(b) A violation of an existing or former law of this 380  
state, any other state, or the United States that is 381

substantially equivalent to any of the offenses or violations 382  
described in division (A) (5) (a) of this section. 383

(6) Upon receipt of a request pursuant to section 5153.111 384  
of the Revised Code, a completed form prescribed pursuant to 385  
division (C) (1) of this section, and a set of fingerprint 386  
impressions obtained in the manner described in division (C) (2) 387  
of this section, the superintendent of the bureau of criminal 388  
identification and investigation shall conduct a criminal 389  
records check in the manner described in division (B) of this 390  
section to determine whether any information exists that 391  
indicates that the person who is the subject of the request 392  
previously has been convicted of or pleaded guilty to any of the 393  
following: 394

(a) A violation of section 2903.01, 2903.02, 2903.03, 395  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 396  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 397  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 398  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 399  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 400  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 401  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 402  
Code, felonious sexual penetration in violation of former 403  
section 2907.12 of the Revised Code, a violation of section 404  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 405  
a violation of section 2919.23 of the Revised Code that would 406  
have been a violation of section 2905.04 of the Revised Code as 407  
it existed prior to July 1, 1996, had the violation been 408  
committed prior to that date, or a violation of section 2925.11 409  
of the Revised Code that is not a minor drug possession offense; 410

(b) A violation of an existing or former law of this 411

state, any other state, or the United States that is 412  
substantially equivalent to any of the offenses listed in 413  
division (A) (6) (a) of this section. 414

(7) On receipt of a request for a criminal records check 415  
from an individual pursuant to section 4749.03 or 4749.06 of the 416  
Revised Code, accompanied by a completed copy of the form 417  
prescribed in division (C) (1) of this section and a set of 418  
fingerprint impressions obtained in a manner described in 419  
division (C) (2) of this section, the superintendent of the 420  
bureau of criminal identification and investigation shall 421  
conduct a criminal records check in the manner described in 422  
division (B) of this section to determine whether any 423  
information exists indicating that the person who is the subject 424  
of the request has been convicted of or pleaded guilty to a 425  
felony in this state or in any other state. If the individual 426  
indicates that a firearm will be carried in the course of 427  
business, the superintendent shall require information from the 428  
federal bureau of investigation as described in division (B) (2) 429  
of this section. Subject to division (F) of this section, the 430  
superintendent shall report the findings of the criminal records 431  
check and any information the federal bureau of investigation 432  
provides to the director of public safety. 433

(8) On receipt of a request pursuant to section 1321.37, 434  
1321.53, ~~1321.531, 1322.03, 1322.031,~~ or 4763.05 of the Revised 435  
Code, a completed form prescribed pursuant to division (C) (1) of 436  
this section, and a set of fingerprint impressions obtained in 437  
the manner described in division (C) (2) of this section, the 438  
superintendent of the bureau of criminal identification and 439  
investigation shall conduct a criminal records check with 440  
respect to any person who has applied for a license, permit, or 441  
certification from the department of commerce or a division in 442

the department. The superintendent shall conduct the criminal 443  
records check in the manner described in division (B) of this 444  
section to determine whether any information exists that 445  
indicates that the person who is the subject of the request 446  
previously has been convicted of or pleaded guilty to any of the 447  
following: a violation of section 2913.02, 2913.11, 2913.31, 448  
2913.51, or 2925.03 of the Revised Code; any other criminal 449  
offense involving theft, receiving stolen property, 450  
embezzlement, forgery, fraud, passing bad checks, money 451  
laundering, or drug trafficking, or any criminal offense 452  
involving money or securities, as set forth in Chapters 2909., 453  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 454  
Code; or any existing or former law of this state, any other 455  
state, or the United States that is substantially equivalent to 456  
those offenses. 457

(9) On receipt of a request for a criminal records check 458  
from the treasurer of state under section 113.041 of the Revised 459  
Code or from an individual under section 4701.08, 4715.101, 460  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 461  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 462  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 463  
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 464  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 465  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 466  
Code, accompanied by a completed form prescribed under division 467  
(C) (1) of this section and a set of fingerprint impressions 468  
obtained in the manner described in division (C) (2) of this 469  
section, the superintendent of the bureau of criminal 470  
identification and investigation shall conduct a criminal 471  
records check in the manner described in division (B) of this 472  
section to determine whether any information exists that 473



indicates that the person who is the subject of the request has 474  
been convicted of or pleaded guilty to any criminal offense in 475  
this state or any other state. Subject to division (F) of this 476  
section, the superintendent shall send the results of a check 477  
requested under section 113.041 of the Revised Code to the 478  
treasurer of state and shall send the results of a check 479  
requested under any of the other listed sections to the 480  
licensing board specified by the individual in the request. 481

(10) On receipt of a request pursuant to section 1121.23, 482  
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 483  
form prescribed pursuant to division (C)(1) of this section, and 484  
a set of fingerprint impressions obtained in the manner 485  
described in division (C)(2) of this section, the superintendent 486  
of the bureau of criminal identification and investigation shall 487  
conduct a criminal records check in the manner described in 488  
division (B) of this section to determine whether any 489  
information exists that indicates that the person who is the 490  
subject of the request previously has been convicted of or 491  
pleaded guilty to any criminal offense under any existing or 492  
former law of this state, any other state, or the United States. 493

(11) On receipt of a request for a criminal records check 494  
from an appointing or licensing authority under section 3772.07 495  
of the Revised Code, a completed form prescribed under division 496  
(C)(1) of this section, and a set of fingerprint impressions 497  
obtained in the manner prescribed in division (C)(2) of this 498  
section, the superintendent of the bureau of criminal 499  
identification and investigation shall conduct a criminal 500  
records check in the manner described in division (B) of this 501  
section to determine whether any information exists that 502  
indicates that the person who is the subject of the request 503  
previously has been convicted of or pleaded guilty or no contest 504

to any offense under any existing or former law of this state, 505  
any other state, or the United States that is a disqualifying 506  
offense as defined in section 3772.07 of the Revised Code or 507  
substantially equivalent to such an offense. 508

(12) On receipt of a request pursuant to section 2151.33 509  
or 2151.412 of the Revised Code, a completed form prescribed 510  
pursuant to division (C)(1) of this section, and a set of 511  
fingerprint impressions obtained in the manner described in 512  
division (C)(2) of this section, the superintendent of the 513  
bureau of criminal identification and investigation shall 514  
conduct a criminal records check with respect to any person for 515  
whom a criminal records check is required under that section. 516  
The superintendent shall conduct the criminal records check in 517  
the manner described in division (B) of this section to 518  
determine whether any information exists that indicates that the 519  
person who is the subject of the request previously has been 520  
convicted of or pleaded guilty to any of the following: 521

(a) A violation of section 2903.01, 2903.02, 2903.03, 522  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 523  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 524  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 525  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 526  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 527  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 528  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 529  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 530

(b) An existing or former law of this state, any other 531  
state, or the United States that is substantially equivalent to 532  
any of the offenses listed in division (A)(12)(a) of this 533  
section. 534

(13) On receipt of a request pursuant to section 3796.12 535  
of the Revised Code, a completed form prescribed pursuant to 536  
division (C)(1) of this section, and a set of fingerprint 537  
impressions obtained in a manner described in division (C)(2) of 538  
this section, the superintendent of the bureau of criminal 539  
identification and investigation shall conduct a criminal 540  
records check in the manner described in division (B) of this 541  
section to determine whether any information exists that 542  
indicates that the person who is the subject of the request 543  
previously has been convicted of or pleaded guilty to the 544  
following: 545

(a) A disqualifying offense as specified in rules adopted 546  
under division (B)(2)(b) of section 3796.03 of the Revised Code 547  
if the person who is the subject of the request is an 548  
administrator or other person responsible for the daily 549  
operation of, or an owner or prospective owner, officer or 550  
prospective officer, or board member or prospective board member 551  
of, an entity seeking a license from the department of commerce 552  
under Chapter 3796. of the Revised Code; 553

(b) A disqualifying offense as specified in rules adopted 554  
under division (B)(2)(b) of section 3796.04 of the Revised Code 555  
if the person who is the subject of the request is an 556  
administrator or other person responsible for the daily 557  
operation of, or an owner or prospective owner, officer or 558  
prospective officer, or board member or prospective board member 559  
of, an entity seeking a license from the state board of pharmacy 560  
under Chapter 3796. of the Revised Code. 561

(14) On receipt of a request required by section 3796.13 562  
of the Revised Code, a completed form prescribed pursuant to 563  
division (C)(1) of this section, and a set of fingerprint 564

impressions obtained in a manner described in division (C) (2) of 565  
this section, the superintendent of the bureau of criminal 566  
identification and investigation shall conduct a criminal 567  
records check in the manner described in division (B) of this 568  
section to determine whether any information exists that 569  
indicates that the person who is the subject of the request 570  
previously has been convicted of or pleaded guilty to the 571  
following: 572

(a) A disqualifying offense as specified in rules adopted 573  
under division (B) (8) (a) of section 3796.03 of the Revised Code 574  
if the person who is the subject of the request is seeking 575  
employment with an entity licensed by the department of commerce 576  
under Chapter 3796. of the Revised Code; 577

(b) A disqualifying offense as specified in rules adopted 578  
under division (B) (14) (a) of section 3796.04 of the Revised Code 579  
if the person who is the subject of the request is seeking 580  
employment with an entity licensed by the state board of 581  
pharmacy under Chapter 3796. of the Revised Code. 582

(B) Subject to division (F) of this section, the 583  
superintendent shall conduct any criminal records check to be 584  
conducted under this section as follows: 585

(1) The superintendent shall review or cause to be 586  
reviewed any relevant information gathered and compiled by the 587  
bureau under division (A) of section 109.57 of the Revised Code 588  
that relates to the person who is the subject of the criminal 589  
records check, including, if the criminal records check was 590  
requested under section 113.041, 121.08, 173.27, 173.38, 591  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, ~~1321.531, 1322.03,~~ 592  
~~1322.031,~~ 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 593  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 594

4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 595  
5123.081, 5123.169, or 5153.111 of the Revised Code, any 596  
relevant information contained in records that have been sealed 597  
under section 2953.32 of the Revised Code; 598

(2) If the request received by the superintendent asks for 599  
information from the federal bureau of investigation, the 600  
superintendent shall request from the federal bureau of 601  
investigation any information it has with respect to the person 602  
who is the subject of the criminal records check, including 603  
fingerprint-based checks of national crime information databases 604  
as described in 42 U.S.C. 671 if the request is made pursuant to 605  
section 2151.86 or 5104.013 of the Revised Code or if any other 606  
Revised Code section requires fingerprint-based checks of that 607  
nature, and shall review or cause to be reviewed any information 608  
the superintendent receives from that bureau. If a request under 609  
section 3319.39 of the Revised Code asks only for information 610  
from the federal bureau of investigation, the superintendent 611  
shall not conduct the review prescribed by division (B) (1) of 612  
this section. 613

(3) The superintendent or the superintendent's designee 614  
may request criminal history records from other states or the 615  
federal government pursuant to the national crime prevention and 616  
privacy compact set forth in section 109.571 of the Revised 617  
Code. 618

(4) The superintendent shall include in the results of the 619  
criminal records check a list or description of the offenses 620  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 621  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 622  
whichever division requires the superintendent to conduct the 623  
criminal records check. The superintendent shall exclude from 624

the results any information the dissemination of which is 625  
prohibited by federal law. 626

(5) The superintendent shall send the results of the 627  
criminal records check to the person to whom it is to be sent 628  
not later than the following number of days after the date the 629  
superintendent receives the request for the criminal records 630  
check, the completed form prescribed under division (C) (1) of 631  
this section, and the set of fingerprint impressions obtained in 632  
the manner described in division (C) (2) of this section: 633

(a) If the superintendent is required by division (A) of 634  
this section (other than division (A) (3) of this section) to 635  
conduct the criminal records check, thirty; 636

(b) If the superintendent is required by division (A) (3) 637  
of this section to conduct the criminal records check, sixty. 638

(C) (1) The superintendent shall prescribe a form to obtain 639  
the information necessary to conduct a criminal records check 640  
from any person for whom a criminal records check is to be 641  
conducted under this section. The form that the superintendent 642  
prescribes pursuant to this division may be in a tangible 643  
format, in an electronic format, or in both tangible and 644  
electronic formats. 645

(2) The superintendent shall prescribe standard impression 646  
sheets to obtain the fingerprint impressions of any person for 647  
whom a criminal records check is to be conducted under this 648  
section. Any person for whom a records check is to be conducted 649  
under this section shall obtain the fingerprint impressions at a 650  
county sheriff's office, municipal police department, or any 651  
other entity with the ability to make fingerprint impressions on 652  
the standard impression sheets prescribed by the superintendent. 653

The office, department, or entity may charge the person a 654  
reasonable fee for making the impressions. The standard 655  
impression sheets the superintendent prescribes pursuant to this 656  
division may be in a tangible format, in an electronic format, 657  
or in both tangible and electronic formats. 658

(3) Subject to division (D) of this section, the 659  
superintendent shall prescribe and charge a reasonable fee for 660  
providing a criminal records check under this section. The 661  
person requesting the criminal records check shall pay the fee 662  
prescribed pursuant to this division. In the case of a request 663  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 664  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 665  
fee shall be paid in the manner specified in that section. 666

(4) The superintendent of the bureau of criminal 667  
identification and investigation may prescribe methods of 668  
forwarding fingerprint impressions and information necessary to 669  
conduct a criminal records check, which methods shall include, 670  
but not be limited to, an electronic method. 671

(D) The results of a criminal records check conducted 672  
under this section, other than a criminal records check 673  
specified in division (A) (7) of this section, are valid for the 674  
person who is the subject of the criminal records check for a 675  
period of one year from the date upon which the superintendent 676  
completes the criminal records check. If during that period the 677  
superintendent receives another request for a criminal records 678  
check to be conducted under this section for that person, the 679  
superintendent shall provide the results from the previous 680  
criminal records check of the person at a lower fee than the fee 681  
prescribed for the initial criminal records check. 682

(E) When the superintendent receives a request for 683

information from a registered private provider, the 684  
superintendent shall proceed as if the request was received from 685  
a school district board of education under section 3319.39 of 686  
the Revised Code. The superintendent shall apply division (A) (1) 687  
(c) of this section to any such request for an applicant who is 688  
a teacher. 689

(F) (1) Subject to division (F) (2) of this section, all 690  
information regarding the results of a criminal records check 691  
conducted under this section that the superintendent reports or 692  
sends under division (A) (7) or (9) of this section to the 693  
director of public safety, the treasurer of state, or the 694  
person, board, or entity that made the request for the criminal 695  
records check shall relate to the conviction of the subject 696  
person, or the subject person's plea of guilty to, a criminal 697  
offense. 698

(2) Division (F) (1) of this section does not limit, 699  
restrict, or preclude the superintendent's release of 700  
information that relates to the arrest of a person who is 701  
eighteen years of age or older, to an adjudication of a child as 702  
a delinquent child, or to a criminal conviction of a person 703  
under eighteen years of age in circumstances in which a release 704  
of that nature is authorized under division (E) (2), (3), or (4) 705  
of section 109.57 of the Revised Code pursuant to a rule adopted 706  
under division (E) (1) of that section. 707

(G) As used in this section: 708

(1) "Criminal records check" means any criminal records 709  
check conducted by the superintendent of the bureau of criminal 710  
identification and investigation in accordance with division (B) 711  
of this section. 712



(2) "Minor drug possession offense" has the same meaning 713  
as in section 2925.01 of the Revised Code. 714

(3) "OVI or OVUAC violation" means a violation of section 715  
4511.19 of the Revised Code or a violation of an existing or 716  
former law of this state, any other state, or the United States 717  
that is substantially equivalent to section 4511.19 of the 718  
Revised Code. 719

(4) "Registered private provider" means a nonpublic school 720  
or entity registered with the superintendent of public 721  
instruction under section 3310.41 of the Revised Code to 722  
participate in the autism scholarship program or section 3310.58 723  
of the Revised Code to participate in the Jon Peterson special 724  
needs scholarship program. 725

**Sec. 1181.21.** (A) As used in this section, "consumer 726  
finance company" has the same meaning as in section 1181.05 of 727  
the Revised Code. 728

(B) The superintendent of financial institutions shall see 729  
that the laws relating to consumer finance companies are 730  
executed and enforced. 731

(C) The deputy superintendent for consumer finance shall 732  
be the principal supervisor of consumer finance companies. In 733  
that position the deputy superintendent for consumer finance 734  
shall, notwithstanding section 1321.421, division (A) of section 735  
1321.76, and sections 1321.07, 1321.55, ~~1322.06~~ 1322.34, 736  
4727.05, and 4728.05 of the Revised Code, be responsible for 737  
conducting examinations and preparing examination reports under 738  
those sections. In addition, the deputy superintendent for 739  
consumer finance shall, notwithstanding sections 1315.27, 740  
1321.10, 1321.43, 1321.54, 1321.77, ~~1322.12~~ 1322.57, 4712.14, 741

4727.13, and 4728.10 of the Revised Code, have the authority to 742  
adopt rules and standards in accordance with those sections. In 743  
performing or exercising any of the examination, rule-making, or 744  
other regulatory functions, powers, or duties vested by this 745  
division in the deputy superintendent for consumer finance, the 746  
deputy superintendent for consumer finance shall be subject to 747  
the control of the superintendent of financial institutions and 748  
the director of commerce. 749

**Sec. 1181.25.** The superintendent of financial institutions 750  
may introduce into evidence or disclose, or authorize to be 751  
introduced into evidence or disclosed, information that, under 752  
sections 1121.18, 1155.16, 1163.20, 1315.122, 1321.09, 1321.48, 753  
1321.55, 1321.76, ~~1322.06~~ 1322.34, ~~1322.061~~ 1322.36, 1733.32, 754  
1733.327, and 4727.18 of the Revised Code, is privileged, 755  
confidential, or otherwise not public information or a public 756  
record, provided that the superintendent acts only as provided 757  
in those sections or in the following circumstances: 758

(A) When in the opinion of the superintendent, it is 759  
appropriate with regard to any enforcement actions taken and 760  
decisions made by the superintendent under Chapters 1315., 761  
1321., 1322., 1733., 4712., 4727., and 4728. of the Revised Code 762  
or Title XI of the Revised Code; 763

(B) When litigation has been initiated by the 764  
superintendent in furtherance of the powers, duties, and 765  
obligations imposed upon the superintendent by Chapters 1315., 766  
1321., 1322., 1733., 4712., 4727., and 4728. of the Revised Code 767  
or Title XI of the Revised Code; 768

(C) When in the opinion of the superintendent, it is 769  
appropriate with regard to enforcement actions taken or 770  
decisions made by other financial institution regulatory 771

authorities to whom the superintendent has provided the 772  
information pursuant to authority in Chapters 1315., 1321., 773  
1322., 1733., 4712., 4727., and 4728. of the Revised Code or 774  
Title XI of the Revised Code. 775

**Sec. 1315.21.** As used in sections 1315.21 to 1315.30 of 776  
the Revised Code: 777

(A) "Check" means any check, draft, money order, or other 778  
instrument for the transmission or payment of money. "Check" 779  
does not include a travelers check. 780

(B) "Check-cashing business" means any person that engages 781  
in the business of cashing checks for a fee. "Check-cashing 782  
business" does not include any of the following: 783

(1) A licensee as defined in section 1321.01 of the 784  
Revised Code; 785

(2) A registrant as defined in section 1321.51 of the 786  
Revised Code; 787

(3) A financial institution; 788

(4) A person that is primarily engaged in the business of 789  
selling tangible personal property or services at retail and 790  
does not derive more than five per cent of the person's gross 791  
income from the cashing of checks; 792

(5) A person licensed under sections 1315.01 to 1315.18 of 793  
the Revised Code, or any agent of that person, to the extent 794  
that the person or the agent is engaged in cashing checks or 795  
travelers checks issued by the licensed person; 796

(6) A person registered as a mortgage lender under Chapter 797  
1322. of the Revised Code. 798

(C) "Financial institution" means any bank, trust company, savings bank, savings and loan association, or credit union, that is incorporated or organized under the laws of the United States or of any state thereof, or of Canada or any province thereof, and subject to regulation or supervision by such country, state, or province.

(D) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

**Sec. 1319.12.** (A) (1) As used in this section, "collection agency" means any person who, for compensation, contingent or otherwise, or for other valuable consideration, offers services to collect an alleged debt asserted to be owed to another.

(2) "Collection agency" does not mean a person whose collection activities are confined to and directly related to the operation of another business, including, but not limited to, the following:

(a) Any bank, including the trust department of a bank, trust company, savings and loan association, savings bank, credit union, or fiduciary as defined in section 5815.04 of the Revised Code, except those that own or operate a collection agency;

(b) Any real estate broker or real estate salesperson, as defined in section 4735.01 of the Revised Code;

(c) Any retail seller collecting its own accounts;

(d) Any insurance company authorized to do business in this state under Title XXXIX of the Revised Code or a health insuring corporation authorized to operate in this state under Chapter 1751. of the Revised Code;

|  |                                 |
|--|---------------------------------|
| (e) Any public officer or judicial officer acting under order of a court;  | 828<br>829                      |
| (f) Any licensee as defined either in section 1321.01 or 1321.71 of the Revised Code, <del>or</del> any registrant as defined in section 1321.51 of the Revised Code, <u>or any person registered as a mortgage lender under Chapter 1322. of the Revised Code;</u>              | 830<br>831<br>832<br>833        |
| (g) Any public utility;  | 834                             |
| (h) Any person registered to sell interment rights under section 4767.031 of the Revised Code.   | 835<br>836                      |
| (B) A collection agency with a place of business in this state may take assignment of another person's accounts, bills, or other evidences of indebtedness in its own name for the purpose of billing, collecting, or filing suit in its own name as the real party in interest. | 837<br>838<br>839<br>840<br>841 |
| (C) No collection agency shall commence litigation for the collection of an assigned account, bill, or other evidence of indebtedness unless it has taken the assignment in accordance with all of the following requirements:   | 842<br>843<br>844<br>845        |
| (1) The assignment was voluntary, properly executed, and acknowledged by the person transferring title to the collection agency.   | 846<br>847<br>848               |
| (2) The collection agency did not require the assignment as a condition to listing the account, bill, or other evidence of indebtedness with the collection agency for collection.   | 849<br>850<br>851               |
| (3) The assignment was manifested by a written agreement separate from and in addition to any document intended for the purpose of listing the account, bill, or other evidence of indebtedness with the collection agency. The written agreement                                | 852<br>853<br>854<br>855        |

shall state the effective date of the assignment and the 856  
consideration paid or given, if any, for the assignment and 857  
shall expressly authorize the collection agency to refer the 858  
assigned account, bill, or other evidence of indebtedness to an 859  
attorney admitted to the practice of law in this state for the 860  
commencement of litigation. The written agreement also shall 861  
disclose that the collection agency may consolidate, for 862  
purposes of filing an action, the assigned account, bill, or 863  
other evidence of indebtedness with those of other creditors 864  
against an individual debtor or co-debtors. 865

(4) Upon the effective date of the assignment to the 866  
collection agency, the creditor's account maintained by the 867  
collection agency in connection with the assigned account, bill, 868  
or other evidence of indebtedness was canceled. 869

(D) A collection agency shall commence litigation for the 870  
collection of an assigned account, bill, or other evidence of 871  
indebtedness in a court of competent jurisdiction located in the 872  
county in which the debtor resides, or in the case of co- 873  
debtors, a county in which at least one of the co-debtors 874  
resides. 875

(E) No collection agency shall commence any litigation 876  
authorized by this section unless the agency appears by an 877  
attorney admitted to the practice of law in this state. 878

(F) This section does not affect the powers and duties of 879  
any person described in division (A) (2) of this section. 880

(G) Nothing in this section relieves a collection agency 881  
from complying with the "Fair Debt Collection Practices Act," 91 882  
Stat. 874 (1977), 15 U.S.C. 1692, as amended, or deprives any 883  
debtor of the right to assert defenses as provided in section 884

1317.031 of the Revised Code and 16 C.F.R. 433, as amended. 885

(H) For purposes of filing an action, a collection agency 886  
that has taken an assignment or assignments pursuant to this 887  
section may consolidate the assigned accounts, bills, or other 888  
evidences of indebtedness of one or more creditors against an 889  
individual debtor or co-debtors. Each separate assigned account, 890  
bill, or evidence of indebtedness must be separately identified 891  
and pled in any consolidated action authorized by this section. 892  
If a debtor or co-debtor raises a good faith dispute concerning 893  
any account, bill, or other evidence of indebtedness, the court 894  
shall separate each disputed account, bill, or other evidence of 895  
indebtedness from the action and hear the disputed account, 896  
bill, or other evidence of indebtedness on its own merits in a 897  
separate action. The court shall charge the filing fee of the 898  
separate action to the losing party. 899

**Sec. 1321.02.** No person shall engage in the business of 900  
lending money, credit, or choses in action in amounts of five 901  
thousand dollars or less, or exact, contract for, or receive, 902  
directly or indirectly, on or in connection with any such loan, 903  
any interest and charges that in the aggregate are greater than 904  
the interest and charges that the lender would be permitted to 905  
charge for a loan of money if the lender were not a licensee, 906  
without first having obtained a license from the division of 907  
financial institutions under sections 1321.01 to 1321.19 of the 908  
Revised Code. 909

Sections 1321.01 to 1321.19 of the Revised Code do not 910  
apply to any person doing business under and as permitted by any 911  
law of this state, another state, or the United States relating 912  
to banks, savings banks, savings societies, trust companies, 913  
credit unions, savings and loan associations substantially all 914

the business of which is confined to loans on real estate 915  
mortgages and evidences of their own indebtedness; to 916  
registrants conducting business pursuant to sections 1321.51 to 917  
1321.60 of the Revised Code; to licensees conducting business 918  
pursuant to sections 1321.71 to 1321.83 of the Revised Code; to 919  
licensees doing business pursuant to sections 1321.35 to 1321.48 920  
of the Revised Code; to registrants conducting business as 921  
mortgage lenders under Chapter 1322. of the Revised Code; or to 922  
any entity who is licensed pursuant to Title XXXIX of the 923  
Revised Code, who makes advances or loans to any person who is 924  
licensed to sell insurance pursuant to that Title, and who is 925  
authorized in writing by that entity to sell insurance. No 926  
person engaged in the business of selling tangible goods or 927  
services related thereto may receive or retain a license under 928  
sections 1321.01 to 1321.19 of the Revised Code for such place 929  
of business. 930

The first paragraph of this section applies to any person, 931  
who by any device, subterfuge, or pretense, charges, contracts 932  
for, or receives greater interest, consideration, or charges 933  
than that authorized by this section for any such loan or use of 934  
money or for any such loan, use, or sale of credit, or who for a 935  
fee or any manner of compensation arranges or offers to find or 936  
arrange for another person to make any such loan, use, or sale 937  
of credit. This section does not preclude the acquiring, 938  
directly or indirectly, by purchase or discount, of a bona fide 939  
obligation for goods or services when such obligation is payable 940  
directly to the person who provided the goods or services. 941

Any contract of loan in the making or collection of which 942  
an act is done by the lender that violates this section is void 943  
and the lender has no right to collect, receive, or retain any 944  
principal, interest, or charges. 945



|  |     |
|--|-----|
| <b>Sec. 1321.51.</b> As used in sections 1321.51 to 1321.60 of   | 946 |
| the Revised Code:  | 947 |
| (A) "Person" means an individual, partnership,                   | 948 |
| association, trust, corporation, or any other legal entity.      | 949 |
| (B) "Certificate" means a certificate of registration            | 950 |
| issued under sections 1321.51 to 1321.60 of the Revised Code.    | 951 |
| (C) "Registrant" means a person to whom one or more              | 952 |
| certificates of registration have been issued under sections     | 953 |
| 1321.51 to 1321.60 of the Revised Code.                          | 954 |
| (D) "Principal amount" means the amount of cash paid to,         | 955 |
| or paid or payable for the account of, the borrower, and         | 956 |
| includes any charge, fee, or expense that is financed by the     | 957 |
| borrower at origination of the loan or during the term of the    | 958 |
| loan.  | 959 |
| (E) "Interest" means all charges payable directly or             | 960 |
| indirectly by a borrower to a registrant as a condition to a     | 961 |
| loan or an application for a loan, however denominated, but does | 962 |
| not include default charges, deferment charges, insurance        | 963 |
| charges or premiums, court costs, loan origination charges,      | 964 |
| check collection charges, credit line charges, points,           | 965 |
| prepayment penalties, or other fees and charges specifically     | 966 |
| authorized by law.   | 967 |
| (F) "Interest-bearing loan" means a loan in which the debt       | 968 |
| is expressed as the principal amount and interest is computed,   | 969 |
| charged, and collected on unpaid principal balances outstanding  | 970 |
| from time to time.   | 971 |
| (G) "Precomputed loan" means a loan in which the debt is a       | 972 |
| sum comprising the principal amount and the amount of interest   | 973 |
| computed in advance on the assumption that all scheduled         | 974 |

payments will be made when due. 975

(H) "Actuarial method" means the method of allocating 976  
payments made on a loan between the principal amount and 977  
interest whereby a payment is applied first to the accumulated 978  
interest and the remainder to the unpaid principal amount. 979

(I) "Applicable charge" means the amount of interest 980  
attributable to each monthly installment period of the loan 981  
contract. The applicable charge is computed as if each 982  
installment period were one month and any charge for extending 983  
the first installment period beyond one month is ignored. In the 984  
case of loans originally scheduled to be repaid in sixty-one 985  
months or less, the applicable charge for any installment period 986  
is that proportion of the total interest contracted for, as the 987  
balance scheduled to be outstanding during that period bears to 988  
the sum of all of the periodic balances, all determined 989  
according to the payment schedule originally contracted for. In 990  
all other cases, the applicable charge for any installment 991  
period is that which would have been made for such period had 992  
the loan been made on an interest-bearing basis, based upon the 993  
assumption that all payments were made according to schedule. 994

~~(J) "Broker" means a person who acts as an intermediary or 995  
agent in finding, arranging, or negotiating loans, other than 996  
residential mortgage loans, and charges or receives a fee for 997  
these services. 998~~

~~(K)~~ "Annual percentage rate" means the ratio of the 999  
interest on a loan to the unpaid principal balances on the loan 1000  
for any period of time, expressed on an annual basis. 1001

~~(L)~~ (K) "Point" means a charge equal to one per cent of 1002  
either of the following: 1003

- (1) The principal amount of a precomputed loan or interest-bearing loan; 1004  
1005
- (2) The original credit line of an open-end loan. 1006
- ~~(M)~~ (L) "Prepayment penalty" means a charge for prepayment of a loan at any time prior to five years from the date the loan contract is executed. 1007  
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- ~~(N)~~ (M) "Refinancing" means a loan the proceeds of which are used in whole or in part to pay the unpaid balance of a prior loan made by the same registrant to the same borrower under sections 1321.51 to 1321.60 of the Revised Code. 1010  
1011  
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- ~~(O)~~ (N) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code. 1014  
1015  
1016
- ~~(P)~~ (1) ~~"Mortgage loan originator" means an individual who for compensation or gain, or in anticipation of compensation or gain, does any of the following:~~ 1017  
1018  
1019
- ~~(a) Takes or offers to take a residential mortgage loan application;~~ 1020  
1021
- ~~(b) Assists or offers to assist a borrower in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs;~~ 1022  
1023  
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1025
- ~~(c) Offers or negotiates terms of a residential mortgage loan;~~ 1026  
1027
- ~~(d) Issues or offers to issue a commitment for a residential mortgage loan to a borrower.~~ 1028  
1029
- ~~(2) "Mortgage loan originator" does not include any of the~~ 1030

- following: 1031
- ~~(a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator;~~ 1032  
1033
- ~~(b) A person licensed pursuant to Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, mortgage loan originator, or by any agent thereof;~~ 1034  
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- ~~(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101, in effect on January 1, 2009;~~ 1040  
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- ~~(d) A person acting solely as a loan processor or underwriter, who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the person can or will perform any of the activities of a mortgage loan originator;~~ 1043  
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- ~~(e) A loan originator licensed under sections 1322.01 to 1322.12 of the Revised Code, when acting solely under that authority;~~ 1049  
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- ~~(f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another mortgage loan originator, or by any agent thereof;~~ 1052  
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- ~~(g) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in connection with financing those retail sales, the person only assists the~~ 1057  
1058  
1059

~~borrower by providing or transmitting the loan application and  
does not do any of the following:~~ 1060  
1061

~~(i) Offer or negotiate the residential mortgage loan rates  
or terms;~~ 1062  
1063

~~(ii) Provide any counseling with borrowers about  
residential mortgage loan rates or terms;~~ 1064  
1065

~~(iii) Receive any payment or fee from any company or  
individual for assisting the borrower obtain or apply for  
financing to purchase the manufactured home, mobile home, or  
industrialized unit;~~ 1066  
1067  
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1069

~~(iv) Assist the borrower in completing the residential  
mortgage loan application.~~ 1070  
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~~(3) An individual acting exclusively as a servicer  
engaging in loss mitigation efforts with respect to existing  
mortgage transactions shall not be considered a mortgage loan  
originator for purposes of sections 1321.51 to 1321.60 of the  
Revised Code until July 1, 2011, unless such delay is denied by  
the United States department of housing and urban development.~~ 1072  
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~~(Q) "Residential mortgage loan" means any loan primarily  
for personal, family, or household use that is secured by a  
mortgage, deed of trust, or other equivalent consensual security  
interest on a dwelling or on residential real estate upon which  
is constructed or intended to be constructed a dwelling. For  
purposes of this division, "dwelling" has the same meaning as in  
the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602.~~ 1078  
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~~(R) "Nationwide mortgage licensing system and registry"  
means a mortgage licensing system developed and maintained by  
the conference of state bank supervisors and the American  
association of residential mortgage regulators, or their~~ 1085  
1086  
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~~successor entities, for the licensing and registration of~~ 1089  
~~mortgage loan originators, or any system established by the~~ 1090  
~~secretary of housing and urban development pursuant to the~~ 1091  
~~"Secure and Fair Enforcement for Mortgage Licensing Act of~~ 1092  
~~2008," 122 Stat. 2810, 12 U.S.C. 5101.~~ 1093

~~(S) "Registered mortgage loan originator" means an~~ 1094  
~~individual to whom both of the following apply:~~ 1095

~~(1) The individual is a mortgage loan originator and an~~ 1096  
~~employee of a depository institution, a subsidiary that is owned~~ 1097  
~~and controlled by a depository institution and regulated by a~~ 1098  
~~federal banking agency, or an institution regulated by the farm~~ 1099  
~~credit administration.~~ 1100

~~(2) The individual is registered with, and maintains a~~ 1101  
~~unique identifier through, the nationwide mortgage licensing~~ 1102  
~~system and registry.~~ 1103

~~(T) "Administrative or clerical tasks" means the receipt,~~ 1104  
~~collection, and distribution of information common for the~~ 1105  
~~processing or underwriting of a loan in the mortgage industry,~~ 1106  
~~and communication with a consumer to obtain information~~ 1107  
~~necessary for the processing or underwriting of a residential~~ 1108  
~~mortgage loan.~~ 1109

~~(U) "Federal banking agency" means the board of governors~~ 1110  
~~of the federal reserve system, the comptroller of the currency,~~ 1111  
~~the director of the office of thrift supervision, the national~~ 1112  
~~credit union administration, and the federal deposit insurance~~ 1113  
~~corporation.~~ 1114

~~(V) "Loan processor or underwriter" means an individual~~ 1115  
~~who performs clerical or support duties at the direction of and~~ 1116  
~~subject to the supervision and instruction of a licensed~~ 1117

~~mortgage loan originator or registered mortgage loan originator.~~ 1118

~~For purposes of this division, to "perform clerical or support-~~ 1119

~~duties" means to do all of the following activities:~~ 1120

~~(1) Receiving, collecting, distributing, and analyzing~~ 1121

~~information common for the processing or underwriting of a~~ 1122

~~residential mortgage loan;~~ 1123

~~(2) Communicating with a borrower to obtain the~~ 1124

~~information necessary for the processing or underwriting of a~~ 1125

~~loan, to the extent the communication does not include offering~~ 1126

~~or negotiating loan rates or terms or counseling borrowers about~~ 1127

~~residential mortgage loan rates or terms.~~ 1128

~~(W) "Real estate brokerage activity" means any activity~~ 1129

~~that involves offering or providing real estate brokerage~~ 1130

~~services to the public, including all of the following:~~ 1131

~~(1) Acting as a real estate agent or real estate broker~~ 1132

~~for a buyer, seller, lessor, or lessee of real property;~~ 1133

~~(2) Bringing together parties interested in the sale,~~ 1134

~~purchase, lease, rental, or exchange of real property;~~ 1135

~~(3) Negotiating, on behalf of any party, any portion of a~~ 1136

~~contract relating to the sale, purchase, lease, rental, or~~ 1137

~~exchange of real property, other than in connection with~~ 1138

~~providing financing for any such transaction;~~ 1139

~~(4) Engaging in any activity for which a person engaged in~~ 1140

~~that activity is required to be registered or licensed as a real~~ 1141

~~estate agent or real estate broker under any applicable law;~~ 1142

~~(5) Offering to engage in any activity, or to act in any~~ 1143

~~capacity, described in division (W) of this section.~~ 1144

~~(X) "Licensee" means any person that has been issued a~~ 1145

~~mortgage loan originator license under sections 1321.51 to 1146  
1321.60 of the Revised Code. 1147~~

~~(Y) "Unique identifier" means a number or other identifier 1148  
that permanently identifies a mortgage loan originator and is 1149  
assigned by protocols established by the nationwide mortgage- 1150  
licensing system and registry or federal banking agencies to 1151  
facilitate electronic tracking of mortgage loan originators and 1152  
uniform identification of, and public access to, the employment 1153  
history of and the publicly adjudicated disciplinary and 1154  
enforcement actions against mortgage loan originators. 1155~~

~~(Z)-(O) "State" in the context of referring to states in 1156  
addition to Ohio means any state of the United States, the 1157  
district of Columbia, any territory of the United States, Puerto 1158  
Rico, Guam, American Samoa, the trust territory of the Pacific 1159  
islands, the virgin islands, and the northern Mariana islands. 1160~~

~~(AA)-(P) "Depository institution" has the same meaning as 1161  
in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 1162  
873, 12 U.S.C. 1813, and includes any credit union. 1163~~

~~(BB) "Bona fide third party" means a person that is not an 1164  
employee of, related to, or affiliated with, the registrant, and 1165  
that is not used for the purpose of circumvention or evasion of 1166  
sections 1321.51 to 1321.60 of the Revised Code. 1167~~

~~(CC) "Nontraditional mortgage product" means any mortgage 1168  
product other than a thirty year fixed rate mortgage. 1169~~

~~(DD) "Employee" means an individual for whom a registrant 1170  
or applicant, in addition to providing a wage or salary, pays 1171  
social security and unemployment taxes, provides workers' 1172  
compensation coverage, and withholds local, state, and federal 1173  
income taxes. "Employee" also includes any individual who acts 1174~~



~~as a mortgage loan originator or operations manager of the~~ 1175  
~~registrant, but for whom the registrant is prevented by law from~~ 1176  
~~making income tax withholdings.~~ 1177

~~(EE) "Primary point of contact" means the employee or~~ 1178  
~~owner designated by the registrant or applicant to be the~~ 1179  
~~individual who the division of financial institutions can~~ 1180  
~~contact regarding compliance or licensing matters relating to~~ 1181  
~~the registrant's or applicant's business or lending activities~~ 1182  
~~secured by an interest in real estate.~~ 1183

~~(FF) "Consumer reporting agency" has the same meaning as~~ 1184  
~~in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.~~ 1185  
~~1681a, as amended.~~ 1186

~~(GG) "Mortgage broker" has the same meaning as in section~~ 1187  
~~1322.01 of the Revised Code.~~ 1188

**Sec. 1321.52.** ~~(A) (1) No person, on that person's own~~ 1189  
~~behalf or on behalf of any other person, shall do any of the~~ 1190  
~~following without having first obtained a certificate of~~ 1191  
~~registration from the division of financial institutions:~~ 1192

~~(a) Advertise, solicit, or hold out that the person is~~ 1193  
~~engaged in the business of making residential mortgage loans~~ 1194  
~~secured by a mortgage on a borrower's real estate which is other~~ 1195  
~~than a first lien on the real estate;~~ 1196

~~(b) Engage in the business of lending or collecting the~~ 1197  
~~person's own or another person's money, credit, or choses in~~ 1198  
~~action for non first lien residential mortgage loans;~~ 1199

~~(c) Employ or compensate mortgage loan originators~~ 1200  
~~licensed or who should be licensed under sections 1321.51 to~~ 1201  
~~1321.60 of the Revised Code to conduct the business of making~~ 1202  
~~residential mortgage loans;~~ 1203

~~(d) Make loans in this state of the type set forth in~~ 1204  
~~division (C) of this section that are unsecured or are secured~~ 1205  
~~by other than real property, which loans are for more than five~~ 1206  
~~thousand dollars at a rate of interest greater than permitted by~~ 1207  
~~section 1343.01 or other specific provisions of the Revised Code~~ 1208  
A registrant may make loans, other than a residential mortgage 1209  
loan as defined in section 1322.01 of the Revised Code, on terms 1210  
and conditions provided by sections 1321.51 to 1321.60 of the 1211  
Revised Code. 1212

(2) Each person issued a certificate of registration ~~or~~ 1213  
~~license~~ is subject to all the rules prescribed under sections 1214  
1321.51 to 1321.60 of the Revised Code. 1215

(B) (1) All loans made to persons who at the time are 1216  
residents of this state are considered as made within this state 1217  
and subject to the laws of this state, regardless of any 1218  
statement in the contract or note to the contrary, except ~~as~~ 1219  
~~follows:~~ 1220

~~(a) If the loan is primarily secured by a lien on real~~ 1221  
~~property in another state and is arranged by a mortgage loan~~ 1222  
~~originator licensed by that state, the borrower may by choice of~~ 1223  
~~law designate that the transaction be governed by the law where~~ 1224  
~~the real property is located if the other state has consumer~~ 1225  
~~protection laws covering the borrower that are applicable to the~~ 1226  
~~transaction.~~ 1227

~~(b) If~~ if the loan is for the purpose of purchasing goods 1228  
acquired by the borrower when the borrower is outside of this 1229  
state, the loan may be governed by the laws of the other state. 1230

(2) Nothing in division (B) (1) of this section prevents a 1231  
choice of law or requires registration ~~or licensure~~ of persons 1232

outside of this state in a transaction involving the 1233  
solicitation of residents of this state to obtain non-real 1234  
estate secured loans that require the borrowers to physically 1235  
visit a lender's out-of-state office to apply for and obtain the 1236  
disbursement of loan funds. 1237

(C) A registrant may make unsecured loans, ~~loans secured~~ 1238  
~~by a mortgage on a borrower's real estate which is a first lien~~ 1239  
~~or other than a first lien on the real estate, and~~ loans secured 1240  
by other than residential real estate, ~~and loans secured by any~~ 1241  
~~combination of mortgages and security interests, on terms and~~ 1242  
~~conditions provided by sections 1321.51 to 1321.60 or a dwelling~~ 1243  
as those terms are defined in section 1322.01 of the Revised 1244  
Code. 1245

~~(D) (1) If a lender that is subject to sections 1321.51 to~~ 1246  
~~1321.60 of the Revised Code makes a loan in violation of~~ 1247  
~~division (A) (1) of this section, the lender has no right to~~ 1248  
~~collect, receive, or retain any interest or charges on that~~ 1249  
~~loan.~~ 1250

~~(2) If a registrant applies to the division for a renewal~~ 1251  
~~of the registrant's certificate after the date required by~~ 1252  
~~division (A) (7) of section 1321.53 of the Revised Code, but~~ 1253  
~~prior to the first day of February of that year, and the~~ 1254  
~~division approves the application, division (D) (1) of this~~ 1255  
~~section does not apply with respect to any loan made by the~~ 1256  
~~registrant while the registrant's certificate was expired.~~ 1257

~~(3) If a person's registration under sections 1321.51 to~~ 1258  
~~1321.60 of the Revised Code terminates due to nonrenewal or~~ 1259  
~~otherwise but the person continues to engage in the business of~~ 1260  
~~collecting or servicing non-first lien residential mortgage~~ 1261  
~~loans in violation of division (A) (1) of this section, the~~ 1262

~~superintendent of financial institutions may take administrative- 1263  
action, including action on any subsequent application for a 1264  
certificate of registration. In addition, no late fee, bad check- 1265  
charge except as incurred, charge related to default or cost to 1266  
realize on its security interest, or prepayment penalty on non- 1267  
first lien residential mortgage loans shall be collected or 1268  
retained by a person who is in violation of division (A) (1) (b)- 1269  
of this section for the period of time in which the person was- 1270  
in violation. Nothing in division (D) (3) of this section- 1271  
prevents or otherwise precludes any other actions or penalties- 1272  
provided by law or modifies a defense of holder in due course- 1273  
that a subsequent purchaser servicing the residential mortgage- 1274  
loan may raise. 1275~~

~~(E) (1) No individual shall engage in the business of a- 1276  
mortgage loan originator without first obtaining and maintaining- 1277  
annually a license pursuant to section 1321.532 of the Revised- 1278  
Code from the division of financial institutions. A mortgage- 1279  
loan originator shall be employed or associated with a- 1280  
registrant or entity exempt from registration under sections- 1281  
1321.51 to 1321.60 of the Revised Code, but shall not be- 1282  
employed by or associated with more than one registrant or- 1283  
exempt entity at any one time. 1284~~

~~(2) An individual acting under the individual's authority- 1285  
as a registered mortgage loan originator shall not be required- 1286  
to be licensed under division (E) (1) of this section. 1287~~

~~(3) An individual who holds a valid temporary mortgage- 1288  
loan originator license issued pursuant to section 1321.537 of- 1289  
the Revised Code may engage in the business of a mortgage loan- 1290  
originator in accordance with sections 1321.51 to 1321.60 of the- 1291  
Revised Code during the term of the temporary license. 1292~~

~~(F) (1) Each licensee shall register with, and maintain a valid unique identifier issued by, the nationwide mortgage licensing system and registry.~~ 1293  
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~~(2) No person shall use a licensee's unique identifier for any purpose other than as set forth in the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.~~ 1296  
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~~(G) (1) If a person that is subject to sections 1321.51 to 1321.60 of the Revised Code makes a loan in violation of division (A) (1) (d) of this section and subsequently sells or assigns that loan, the person is liable to the borrower for any interest paid on that loan to the holder or assignee in excess of the rate that would be applicable in the absence of sections 1321.51 to 1321.60 of the Revised Code, in addition to any interest or charges paid on that loan to the unauthorized lender as provided by division (D) (1) of this section.~~ 1300  
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~~(2) If a person that is subject to sections 1321.51 to 1321.60 of the Revised Code makes a residential mortgage loan in violation of division (A) (1) (b) or (c) of this section and subsequently sells or assigns that loan, the lender is liable to the borrower for any interest paid on that loan to the holder or assignee in excess of the rate set forth in division (B) (4) of section 1343.01 of the Revised Code, in addition to any interest or charges paid on that loan to the unauthorized lender as provided by division (D) (1) of this section.~~ 1309  
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**Sec. 1321.53.** (A) (1) An application for a certificate of registration under sections 1321.51 to 1321.60 of the Revised Code shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the division of financial 1318  
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institutions, and shall contain any information that the 1323  
division may require. Applicants that are foreign corporations 1324  
shall obtain and maintain a license pursuant to Chapter 1703. of 1325  
the Revised Code before a certificate is issued or renewed. 1326

(2) Upon the filing of the application and the payment by 1327  
the applicant of a nonrefundable two-hundred-dollar 1328  
investigation fee, and a nonrefundable three-hundred-dollar 1329  
annual registration fee, ~~and any additional fee required by the~~ 1330  
~~nationwide mortgage licensing system and registry,~~ the division 1331  
shall investigate the relevant facts. If the application 1332  
involves investigation outside this state, the applicant may be 1333  
required by the division to advance sufficient funds to pay any 1334  
of the actual expenses of such investigation, when it appears 1335  
that these expenses will exceed two hundred dollars. An itemized 1336  
statement of any of these expenses which the applicant is 1337  
required to pay shall be furnished to the applicant by the 1338  
division. No certificate shall be issued unless all the required 1339  
fees have been submitted to the division. 1340

~~(3) All applicants making loans secured by an interest in~~ 1341  
~~real estate shall designate an employee or owner of the~~ 1342  
~~applicant as the applicant's primary point of contact. While~~ 1343  
~~acting as the primary point of contact, the employee or owner~~ 1344  
~~shall not be employed by any other registrant or mortgage~~ 1345  
~~broker.~~ 1346

~~(4)~~The investigation undertaken upon application shall 1347  
include both a civil and criminal records check of the applicant 1348  
including any individual whose identity is required to be 1349  
disclosed in the application. Where the applicant is a business 1350  
entity the superintendent shall have the authority to require a 1351  
civil and criminal background check of those persons that in the 1352

determination of the superintendent have the authority to direct 1353  
and control the operations of the applicant. 1354

~~(5)~~ (4) (a) Notwithstanding division (K) of section 121.08 1355  
of the Revised Code, the superintendent of financial 1356  
institutions shall obtain a criminal history records check and, 1357  
as part of that records check, request that criminal record 1358  
information from the federal bureau of investigation be 1359  
obtained. To fulfill this requirement, the superintendent shall 1360  
~~do either of the following:~~ 1361

~~(i) Request~~ request the superintendent of the bureau of 1362  
criminal identification and investigation, or a vendor approved 1363  
by the bureau, to conduct a criminal records check based on the 1364  
applicant's fingerprints or, if the fingerprints are unreadable, 1365  
based on the applicant's social security number, in accordance 1366  
with section 109.572 of the Revised Code. 1367

~~(ii) Authorize the nationwide mortgage licensing system~~ 1368  
~~and registry to request a criminal history background check as~~ 1369  
~~set forth in division (C) of section 1321.531 of the Revised~~ 1370  
~~Code.~~ 1371

(b) Any fee required under division (C) (3) of section 1372  
109.572 of the Revised Code ~~or by the nationwide mortgage~~ 1373  
~~licensing system and registry~~ shall be paid by the applicant. 1374

~~(6)~~ (5) If an application for a certificate of 1375  
registration does not contain all of the information required 1376  
under division (A) of this section, and if such information is 1377  
not submitted to the division ~~or to the nationwide mortgage~~ 1378  
~~licensing system and registry~~ within ninety days after the 1379  
superintendent ~~or the nationwide mortgage licensing system and~~ 1380  
~~registry~~ requests the information in writing, including by 1381

electronic transmission or facsimile, the superintendent may 1382  
consider the application withdrawn. 1383

~~(7)~~(6) If the division finds that the financial 1384  
responsibility, experience, character, and general fitness of 1385  
the applicant command the confidence of the public and warrant 1386  
the belief that the business will be operated honestly and 1387  
fairly in compliance with the purposes of sections 1321.51 to 1388  
1321.60 of the Revised Code and the rules adopted thereunder, 1389  
and that the applicant has the ~~requisite bond or~~ applicable net 1390  
worth and assets required by division (B) of this section, the 1391  
division shall thereupon issue a certificate of registration to 1392  
the applicant. The superintendent shall not use a credit score 1393  
as the sole basis for a registration denial. 1394

(a) (i) Certificates of registration issued on or after 1395  
July 1, 2010, shall annually expire on the thirty-first day of 1396  
December, unless renewed by the filing of a renewal application 1397  
and payment of a three-hundred-dollar nonrefundable annual 1398  
registration fee, and any assessment as determined by the 1399  
superintendent pursuant to division (A) ~~(7)~~(6) (a) (ii) of this 1400  
section, ~~and any additional fee required by the nationwide-~~ 1401  
~~mortgage licensing system and registry,~~ on or before the last 1402  
day of December of each year. No other fee or assessment shall 1403  
be required of a registrant by the state or any political 1404  
subdivision of this state. 1405

(ii) If the renewal fees billed by the superintendent 1406  
pursuant to division (A) ~~(7)~~(6) (a) (i) of this section are less 1407  
than the estimated expenditures of the consumer finance section 1408  
of the division of financial institutions, as determined by the 1409  
superintendent, for the following fiscal year, the 1410  
superintendent may assess each registrant at a rate sufficient 1411



to equal in the aggregate the difference between the renewal 1412  
fees billed and the estimated expenditures. Each registrant 1413  
shall pay the assessed amount to the superintendent prior to the 1414  
last day of June. In no case shall the assessment exceed ten 1415  
cents per each one hundred dollars of interest (excluding 1416  
charge-off recoveries), points, loan origination charges, and 1417  
credit line charges collected by that registrant during the 1418  
previous calendar year. If such an assessment is imposed, it 1419  
shall not be less than two hundred fifty dollars per registrant 1420  
and shall not exceed thirty thousand dollars less the total 1421  
renewal fees paid pursuant to division (A) ~~(7)~~ (6) (a) (i) of this 1422  
section by each registrant. 1423

(b) Registrants shall timely file renewal applications on 1424  
forms prescribed by the division and provide any further 1425  
information that the division may require. If a renewal 1426  
application does not contain all of the information required 1427  
under this section, and if that information is not submitted to 1428  
the division ~~or to the nationwide mortgage licensing system and~~ 1429  
~~registry~~ within ninety days after the superintendent ~~or the~~ 1430  
~~nationwide mortgage licensing system and registry~~ requests the 1431  
information in writing, including by electronic transmission or 1432  
facsimile, the superintendent may consider the application 1433  
withdrawn. 1434

(c) Renewal shall not be granted if the applicant's 1435  
certificate of registration is subject to an order of 1436  
suspension, revocation, or an unpaid and past due fine imposed 1437  
by the superintendent. 1438

(d) If the division finds the applicant does not meet the 1439  
conditions set forth in this section, it shall issue a notice of 1440  
intent to deny the application, and forthwith notify the 1441

applicant of the denial, the grounds for the denial, and the 1442  
applicant's reasonable opportunity to be heard on the action in 1443  
accordance with Chapter 119. of the Revised Code. 1444

~~(8)~~(7) If there is a change of five per cent or more in 1445  
the ownership of a registrant, the division may make any 1446  
investigation necessary to determine whether any fact or 1447  
condition exists that, if it had existed at the time of the 1448  
original application for a certificate of registration, the fact 1449  
or condition would have warranted the division to deny the 1450  
application under division (A) ~~(7)~~(6) of this section. If such a 1451  
fact or condition is found, the division may, in accordance with 1452  
Chapter 119. of the Revised Code, revoke the registrant's 1453  
certificate. 1454

(B) Each registrant that engages in lending under sections 1455  
1321.51 to 1321.60 of the Revised Code shall, ~~if not otherwise~~ 1456  
~~required to be bonded pursuant to section 1321.533 of the~~ 1457  
~~Revised Code,~~ maintain both of the following: 1458

(1) A net worth of at least fifty thousand dollars; 1459

(2) For each certificate of registration, assets of at 1460  
least fifty thousand dollars either in use or readily available 1461  
for use in the conduct of the business. 1462

(C) Not more than one place of business shall be 1463  
maintained under the same certificate, but the division may 1464  
issue additional certificates to the same registrant upon 1465  
compliance with sections 1321.51 to 1321.60 of the Revised Code, 1466  
governing the issuance of a single certificate. No change in the 1467  
place of business of a registrant to a location outside the 1468  
original municipal corporation shall be permitted under the same 1469  
certificate without the approval of a new application, the 1470

payment of the registration fee and, if required by the 1471  
superintendent, the payment of an investigation fee of two 1472  
hundred dollars. When a registrant wishes to change its place of 1473  
business within the same municipal corporation, it shall give 1474  
written notice of the change in advance to the division, which 1475  
shall provide a certificate for the new address without cost. If 1476  
a registrant changes its name, prior to making loans under the 1477  
new name it shall give written notice of the change to the 1478  
division, which shall provide a certificate in the new name 1479  
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 1480  
not limit the loans of any registrant to residents of the 1481  
community in which the registrant's place of business is 1482  
situated. Each certificate shall be kept conspicuously posted in 1483  
the place of business of the registrant and is not transferable 1484  
or assignable. 1485

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 1486  
apply to any of the following: 1487

(1) Entities chartered and lawfully doing business under 1488  
the authority of any law of this state, another state, or the 1489  
United States as a bank, savings bank, trust company, savings 1490  
and loan association, or credit union, or a subsidiary of any 1491  
such entity, which subsidiary is regulated by a federal banking 1492  
agency and is owned and controlled by such a depository 1493  
institution; 1494

(2) Life, property, or casualty insurance companies 1495  
licensed to do business in this state; 1496

(3) Any person that is a lender making a loan pursuant to 1497  
sections 1321.01 to 1321.19 of the Revised Code or a business 1498  
loan as described in division (B) (6) of section 1343.01 of the 1499  
Revised Code; 1500

(4) Any political subdivision, or any governmental or 1501  
other public entity, corporation, instrumentality, or agency, in 1502  
or of the United States or any state of the United States, or 1503  
any entity described in division (B) (3) of section 1343.01 of 1504  
the Revised Code; 1505

(5) A college or university, or controlled entity of a 1506  
college or university, as those terms are defined in section 1507  
1713.05 of the Revised Code; 1508

~~(6) A credit union service organization, provided the 1509  
organization utilizes services provided by registered mortgage 1510  
loan originators or the organization complies with section 1511  
1321.522 of the Revised Code and holds a valid letter of 1512  
exemption issued by the superintendent. 1513~~

(E) No person engaged in the business of selling tangible 1514  
goods or services related to tangible goods may receive or 1515  
retain a certificate under sections 1321.51 to 1321.60 of the 1516  
Revised Code for such place of business. 1517

**Sec. 1321.54.** (A) The division of financial institutions 1518  
may adopt, in accordance with Chapter 119. of the Revised Code, 1519  
rules that are necessary for the enforcement or administration 1520  
of sections 1321.51 to 1321.60 of the Revised Code and that are 1521  
consistent with those sections and rules to carry out the 1522  
purposes of those sections. 1523

(B) (1) The division may, upon written notice to the 1524  
registrant ~~or licensee~~ stating the contemplated action, the 1525  
grounds for the action, and the registrant's ~~or licensee's~~ 1526  
reasonable opportunity to be heard on the action in accordance 1527  
with Chapter 119. of the Revised Code, revoke, suspend, or 1528  
refuse to renew any certificate ~~or license~~ issued under sections 1529

1321.51 to 1321.60 of the Revised Code if it finds any of the 1530  
following: 1531

(a) A violation of or failure to comply with any provision 1532  
of sections 1321.51 to 1321.60 of the Revised Code or the rules 1533  
adopted thereunder, any federal lending law, or any other law 1534  
applicable to the business conducted under a certificate of 1535  
registration ~~or license~~; 1536

(b) The person has been convicted of or pleaded guilty or 1537  
nolo contendere to any criminal felony offense in a domestic, 1538  
foreign, or military court; 1539

(c) The person has been convicted of or pleaded guilty or 1540  
nolo contendere to any criminal offense involving theft, 1541  
receiving stolen property, embezzlement, forgery, fraud, passing 1542  
bad checks, money laundering, breach of trust, dishonesty, or 1543  
drug trafficking, or any criminal offense involving money or 1544  
securities, in a domestic, foreign, or military court; 1545

~~(d) The person's mortgage lender certificate of 1546  
registration or mortgage loan originator license, or comparable 1547  
authority, has been revoked in any governmental jurisdiction. 1548~~

(2) In addition to, or in lieu of, any revocation, 1549  
suspension, or denial, the division may impose a monetary fine 1550  
after administrative hearing or in settlement of matters subject 1551  
to claims under division (B) (1) (a) of this section. 1552

~~(3) Subject to division (D) (3) of section 1321.52 of the 1553  
Revised Code, the The revocation, suspension, or refusal to 1554  
renew shall not impair the obligation of any pre-existing lawful 1555  
contract made under sections 1321.51 to 1321.60 of the Revised 1556  
Code; provided, however, that a prior registrant shall make good 1557  
faith efforts to promptly transfer the registrant's collection 1558~~

rights to another registrant or person exempt from registration, 1559  
or be subject to additional monetary fines and legal or 1560  
administrative action by the division. Nothing in division (B) 1561  
(3) of this section shall limit a court's ability to impose a 1562  
cease and desist order preventing any further business or 1563  
servicing activity. 1564

(C) (1) The superintendent of financial institutions may 1565  
impose a fine for a violation of sections 1321.51 to 1321.60 of 1566  
the Revised Code or any rule adopted thereunder. All fines 1567  
collected pursuant to this section shall be paid to the 1568  
treasurer of state to the credit of the consumer finance fund 1569  
created in section 1321.21 of the Revised Code. In determining 1570  
the amount of a fine to be imposed pursuant to this section, the 1571  
superintendent may consider all of the following to the extent 1572  
it is known to the division of financial institutions: 1573

(a) The seriousness of the violation; 1574

(b) The registrant's ~~or licensee's~~ good faith efforts to 1575  
prevent the violation; 1576

(c) The registrant's ~~or licensee's~~ history regarding 1577  
violations and compliance with division orders; 1578

(d) The registrant's ~~or licensee's~~ financial resources; 1579

(e) Any other matters the superintendent considers 1580  
appropriate in enforcing sections 1321.51 to 1321.60 of the 1581  
Revised Code. 1582

(2) Monetary fines imposed under this division shall not 1583  
exceed twenty-five thousand dollars and do not preclude any 1584  
criminal fine imposed pursuant to section 1321.99 of the Revised 1585  
Code. 1586

(D) The superintendent may investigate alleged violations 1587  
of sections 1321.51 to 1321.60 of the Revised Code, or the rules 1588  
adopted thereunder, or complaints concerning any such violation. 1589  
The superintendent may make application to the court of common 1590  
pleas for an order enjoining any violation and, upon a showing 1591  
by the superintendent that a person has committed, or is about 1592  
to commit, a violation, the court shall grant an injunction, 1593  
restraining order, or other appropriate relief. The 1594  
superintendent, in making application to the court of common 1595  
pleas for an order enjoining a person from acting as a 1596  
~~registrant or mortgage loan originator in violation of division~~ 1597  
~~(A) or (E) of section 1321.52 of the Revised Code,~~ may also seek 1598  
and obtain civil penalties for that unregistered ~~or unlicensed~~ 1599  
conduct in an amount not to exceed five thousand dollars per 1600  
violation. 1601

(E) In conducting an investigation pursuant to this 1602  
section, the superintendent may compel, by subpoena, witnesses 1603  
to testify in relation to any matter over which the 1604  
superintendent has jurisdiction, and may require the production 1605  
or photocopying of any book, record, or other document 1606  
pertaining to such matter. If a person fails to file any 1607  
statement or report, obey any subpoena, give testimony, produce 1608  
any book, record, or other document as required by such a 1609  
subpoena, or permit photocopying of any book, record, or other 1610  
document subpoenaed, the court of common pleas of any county in 1611  
this state, upon application made to it by the superintendent, 1612  
shall compel obedience by attachment proceedings for contempt, 1613  
as in the case of disobedience of the requirements of a subpoena 1614  
issued from the court, or a refusal to testify therein. 1615

(F) If the superintendent determines that a person is 1616  
engaged in, or is believed to be engaged in, activities that may 1617

constitute a violation of sections 1321.51 to 1321.60 of the Revised Code or the rules adopted thereunder, the superintendent may, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, issue a cease and desist order. The superintendent, in taking administrative action to enjoin a person from acting as a registrant ~~or mortgage loan originator in violation of division (A) or (E) of section 1321.52 of the Revised Code~~, may also seek and impose fines for those violations in an amount not to exceed five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

~~(G) The superintendent shall regularly report violations of sections 1321.51 to 1321.60 of the Revised Code, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry pursuant to division (E) of section 1321.55 of the Revised Code.~~

~~(H)(1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:~~

~~(a) Suspend suspend the certificate of registration ~~or~~ ~~license~~ of a person who is convicted of or pleads guilty or nolo contendere to a criminal violation of sections 1321.51 to 1321.60 of the Revised Code or any criminal offense described in division (B) (1) (b) or (c) of this section.~~

~~(b) Suspend the certificate of registration or license of a person who violates division (F) of section 1321.533 of the Revised Code.~~

~~(c) Suspend the certificate of registration or license of a person who fails to comply with a request made by the superintendent under this section or section 1321.55 of the~~



~~Revised Code to inspect qualifying education transcripts located~~ 1647  
~~at the registrant's or licensee's place of business.~~ 1648

(2) The superintendent may, in accordance with Chapter 1649  
119. of the Revised Code, subsequently revoke any registration 1650  
~~or license~~ suspended under division ~~(H)~~(G) (1) of this section. 1651

(3) The superintendent shall, in accordance with Chapter 1652  
119. of the Revised Code, adopt rules establishing the maximum 1653  
amount of time a suspension under division ~~(H)~~(G) (1) of this 1654  
section may continue before a hearing is conducted. 1655

**Sec. 1321.55.** (A) Every registrant shall keep records 1656  
pertaining to loans made under sections 1321.51 to 1321.60 of 1657  
the Revised Code. Such records shall be segregated from records 1658  
pertaining to transactions that are not subject to these 1659  
sections of the Revised Code. Every registrant shall preserve 1660  
records pertaining to loans made under sections 1321.51 to 1661  
1321.60 of the Revised Code for at least two years after making 1662  
the final entry on such records. Accounting systems maintained 1663  
in whole or in part by mechanical or electronic data processing 1664  
methods that provide information equivalent to that otherwise 1665  
required are acceptable for this purpose. At least once each 1666  
eighteen-month cycle, the division of financial institutions 1667  
shall make or cause to be made an examination of records 1668  
pertaining to loans made under sections 1321.51 to 1321.60 of 1669  
the Revised Code, for the purpose of determining whether the 1670  
registrant is complying with these sections and of verifying the 1671  
registrant's annual report. 1672

(B) (1) As required by the superintendent of financial 1673  
institutions, each registrant shall file with the division each 1674  
year an annual report under oath or affirmation, on forms 1675  
supplied by the division, concerning the business and operations 1676

for the preceding calendar year. Whenever a registrant operates 1677  
two or more registered offices or whenever two or more 1678  
affiliated registrants operate registered offices, then a 1679  
composite report of the group of registered offices may be filed 1680  
in lieu of individual reports. ~~For purposes of compliance with~~ 1681  
~~this requirement, the superintendent may accept call reports or~~ 1682  
~~other reports of condition submitted to the nationwide mortgage~~ 1683  
~~licensing system and registry in lieu of the annual report.~~ 1684

(2) The superintendent shall publish annually an analysis 1685  
of the information required under divisions (B) (1) and (3) of 1686  
this section, but the individual reports, ~~whether filed with the~~ 1687  
~~superintendent or the nationwide mortgage licensing system and~~ 1688  
~~registry,~~ shall not be public records and shall not be open to 1689  
public inspection. 1690

~~(3) Each mortgage licensee shall submit to the nationwide~~ 1691  
~~mortgage licensing system and registry call reports or other~~ 1692  
~~reports of condition, which shall be in such form and shall~~ 1693  
~~contain such information as the nationwide mortgage licensing~~ 1694  
~~system and registry may require.~~ 1695

(C) (1) The following information is confidential: 1696

(a) Examination information, and any information leading 1697  
to or arising from an examination; 1698

(b) Investigation information, and any information arising 1699  
from or leading to an investigation. 1700

(2) The information described in division (C) (1) of this 1701  
section shall remain confidential for all purposes except when 1702  
it is necessary for the superintendent to take official action 1703  
regarding the affairs of a registrant ~~or licensee,~~ or in 1704  
connection with criminal or civil proceedings to be initiated by 1705

a prosecuting attorney or the attorney general. This information 1706  
may also be introduced into evidence or disclosed when and in 1707  
the manner authorized by section 1181.25 of the Revised Code. 1708

(D) All application information, except social security 1709  
numbers, employer identification numbers, financial account 1710  
numbers, the identity of the institution where financial 1711  
accounts are maintained, personal financial information, 1712  
fingerprint cards and the information contained on such cards, 1713  
and criminal background information, is a public record as 1714  
defined in section 149.43 of the Revised Code. 1715

(E) This section does not prevent the division of 1716  
financial institutions from releasing to or exchanging with 1717  
other financial institution regulatory authorities information 1718  
relating to registrants ~~and licensees~~. For this purpose, a 1719  
"financial institution regulatory authority" includes a 1720  
regulator of a business activity in which a registrant ~~or~~ 1721  
~~licensee~~ is engaged, or has applied to engage in, to the extent 1722  
that the regulator has jurisdiction over a registrant ~~or~~ 1723  
~~licensee~~ engaged in that business activity. A registrant ~~or~~ 1724  
~~licensee~~ is engaged in a business activity, and a regulator of 1725  
that business activity has jurisdiction over the registrant ~~or~~ 1726  
~~licensee~~, whether the registrant ~~or licensee~~ conducts the 1727  
activity directly or a subsidiary or affiliate of the registrant 1728  
~~or licensee~~ conducts the activity. 1729

(1) ~~Any confidentiality or privilege arising under federal~~ 1730  
~~or state law with respect to any information or material~~ 1731  
~~provided to the nationwide mortgage licensing system and~~ 1732  
~~registry shall continue to apply to the information or material~~ 1733  
~~after the information or material has been provided to the~~ 1734  
~~nationwide mortgage licensing system and registry. The~~ 1735

~~information and material so provided may be shared with all- 1736  
state and federal regulatory officials with mortgage industry- 1737  
oversight authority without the loss of confidentiality or- 1738  
privilege protections provided by federal law or the law of any- 1739  
state. Information or material described in division (E) (1) of- 1740  
this section to which confidentiality or privilege applies shall- 1741  
not be subject to any of the following: 1742~~

~~(a) Disclosure under any federal or state law governing- 1743  
disclosure to the public of information held by an officer or an- 1744  
agency of the federal government or of the respective state; 1745~~

~~(b) Subpoena or discovery, or admission into evidence, in- 1746  
any private civil action or administrative process, unless the- 1747  
person to whom such information or material pertains waives, in- 1748  
whole or in part and at the discretion of the person, any- 1749  
privilege held by the nationwide mortgage licensing system and- 1750  
registry with respect to that information or material. 1751~~

~~(2) The superintendent, in order to promote more effective 1752  
regulation and reduce regulatory burden through supervisory 1753  
information sharing, may enter into sharing arrangements with 1754  
other governmental agencies, the conference of state bank- 1755  
supervisors, and the American association of residential- 1756  
mortgage regulators. 1757~~

~~(3) (2) Any state law, including section 149.43 of the 1758  
Revised Code, relating to the disclosure of confidential 1759  
supervisory information or any information or material described 1760  
in division (C) (1) ~~or (E) (1)~~ of this section that is 1761  
inconsistent with this section shall be superseded by the 1762  
requirements of this section. 1763~~

~~(F) This section shall not apply with respect to- 1764~~

~~information or material relating to the employment history of, 1765  
and publicly adjudicated disciplinary and enforcement actions 1766  
against, mortgage loan originators that is included in the 1767  
nationwide mortgage licensing system and registry for access by 1768  
the public. 1769~~

~~(G) This section does not prevent the division from 1770  
releasing information relating to registrants and licensees to 1771  
the attorney general, to the superintendent of real estate and 1772  
professional licensing for purposes relating to the 1773  
administration of Chapters 4735. and 4763. of the Revised Code, 1774  
to the superintendent of insurance for purposes relating to the 1775  
administration of Chapter 3953. of the Revised Code, to the 1776  
commissioner of securities for purposes relating to the 1777  
administration of Chapter 1707. of the Revised Code, or to local 1778  
law enforcement agencies and local prosecutors. Information the 1779  
division releases pursuant to this section remains confidential. 1780~~

~~(H) The superintendent of financial institutions shall, by 1781  
rule adopted in accordance with Chapter 119. of the Revised 1782  
Code, establish a process by which mortgage loan originators may 1783  
challenge information provided to the nationwide mortgage 1784  
licensing system and registry by the superintendent. 1785~~

~~(I) No person, in connection with any examination or 1786  
investigation conducted by the superintendent under sections 1787  
1321.51 to 1321.60 of the Revised Code, shall knowingly do any 1788  
of the following: 1789~~

~~(1) Circumvent, interfere with, obstruct, or fail to 1790  
cooperate, including making a false or misleading statement, 1791  
failing to produce records, or intimidating or suborning any 1792  
witness; 1793~~

(2) Withhold, abstract, remove, mutilate, destroy, or 1794  
secrete any books, records, computer records, or other 1795  
information; 1796

(3) Tamper with, alter, or manufacture any evidence. 1797

**Sec. 1321.551.** ~~(A)~~ No registrant shall conduct the 1798  
business of making loans under sections 1321.51 to 1321.60 of 1799  
the Revised Code in any office, room, or place of business in 1800  
which any other business is solicited or engaged in, or in 1801  
association or conjunction with any other such business, if the 1802  
superintendent of financial institutions finds, pursuant to a 1803  
hearing conducted in accordance with Chapter 119. of the Revised 1804  
Code, that the other business is of such a nature that the 1805  
conduct tends to conceal evasion of sections 1321.51 to 1321.60 1806  
of the Revised Code or of the rules adopted under those 1807  
sections, and orders the registrant in writing to desist from 1808  
the conduct. 1809

~~(B) The business of a mortgage loan originator shall 1810  
principally be transacted at an office of the registrant with 1811  
whom the licensee is employed or associated, which office is 1812  
registered, if applicable, in accordance with division (A) (1) of 1813  
section 1321.52 of the Revised Code. Each original mortgage loan 1814  
originator license shall be deposited with and maintained at the 1815  
registrant's main office. A copy of the mortgage loan originator 1816  
license shall be maintained and displayed at the office where 1817  
the mortgage loan originator principally transacts business. 1818~~

~~(C) If a mortgage loan originator's employment or 1819  
association is terminated for any reason, the registrant shall 1820  
return the original mortgage loan originator license to the 1821  
superintendent within five business days after the termination. 1822  
The licensee may request the transfer of the license to another 1823~~

~~registrant by submitting a transfer application, along with a~~ 1824  
~~fifteen dollar fee and any fee required by the national mortgage~~ 1825  
~~licensing system and registry, to the superintendent, or may~~ 1826  
~~request in writing that the superintendent hold the license in~~ 1827  
~~escrow. A licensee whose license is held in escrow shall cease~~ 1828  
~~activity as a mortgage loan originator. A licensee whose license~~ 1829  
~~is held in escrow shall be required to apply for renewal~~ 1830  
~~annually and to comply with the annual continuing education~~ 1831  
~~requirement.~~ 1832

~~(D) A registrant may employ or be associated with a~~ 1833  
~~mortgage loan originator on a temporary basis pending the~~ 1834  
~~transfer of the mortgage loan originator's license to the~~ 1835  
~~registrant, if the registrant receives written confirmation from~~ 1836  
~~the superintendent that the mortgage loan originator is licensed~~ 1837  
~~under sections 1321.51 to 1321.60 of the Revised Code.~~ 1838

~~(E) Notwithstanding divisions (B), (C), and (D) of this~~ 1839  
~~section, if a mortgage loan originator is employed by or~~ 1840  
~~associated with a person claiming an exemption under division~~ 1841  
~~(D) of section 1321.53 of the Revised Code, the mortgage loan~~ 1842  
~~originator shall maintain and display the original mortgage loan~~ 1843  
~~originator license at the office where the mortgage loan~~ 1844  
~~originator principally transacts business.~~ 1845

~~If the mortgage loan originator's employment or~~ 1846  
~~association is terminated for any reason, the licensee shall~~ 1847  
~~return the original mortgage loan originator license to the~~ 1848  
~~superintendent within five business days after the termination.~~ 1849  
~~The licensee may request the transfer of the license to a~~ 1850  
~~mortgage broker or other person claiming an exemption under~~ 1851  
~~division (D) of section 1321.53 of the Revised Code by~~ 1852  
~~submitting a transfer application, along with a fifteen dollar~~ 1853

~~fee and any fee required by the national mortgage licensing system and registry, to the superintendent, or may request the superintendent in writing to hold the license in escrow. A licensee whose license is held in escrow shall cease activity as a mortgage loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement.~~ 1854  
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~~The licensee may seek to be employed or associated with a mortgage broker or other person claiming an exemption under division (D) of section 1321.53 of the Revised Code if the mortgage broker or person receives written confirmation from the superintendent that the mortgage loan originator is licensed under sections 1321.51 to 1321.60 of the Revised Code.~~ 1861  
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~~(F) No registrant, through its managers or otherwise, shall fail to do either of the following:~~ 1867  
1868

~~(1) Reasonably supervise mortgage loan originators or other persons employed by or associated with the registrant;~~ 1869  
1870

~~(2) Establish reasonable procedures designed to avoid violations of sections 1321.51 to 1321.60 of the Revised Code or rules adopted thereunder, or violations of applicable state and federal consumer and lending laws or rules, by mortgage loan originators or other persons employed by or associated with the registrant.~~ 1871  
1872  
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1875  
1876

~~(G) A license, or the authority granted under that license, is not assignable and cannot be franchised by contract or any other means.~~ 1877  
1878  
1879

**Sec. 1321.57.** (A) Notwithstanding any other provisions of the Revised Code, a registrant may contract for and receive interest, calculated according to the actuarial method, at a 1880  
1881  
1882



rate or rates not exceeding twenty-one per cent per year on the 1883  
unpaid principal balances of the loan. Loans may be interest- 1884  
bearing or precomputed. 1885

(B) For purposes of computation of time on interest- 1886  
bearing and precomputed loans, including, but not limited to, 1887  
the calculation of interest, a month is considered one-twelfth 1888  
of a year, and a day is considered one three hundred sixty-fifth 1889  
of a year when calculation is made for a fraction of a month. A 1890  
year is as defined in section 1.44 of the Revised Code. A month 1891  
is that period described in section 1.45 of the Revised Code. 1892  
Alternatively, a registrant may consider a day as one three 1893  
hundred sixtieth of a year and each month as having thirty days. 1894

(C) With respect to interest-bearing loans: 1895

(1) (a) Interest shall be computed on unpaid principal 1896  
balances outstanding from time to time, for the time 1897  
outstanding. 1898

(b) As an alternative to the method of computing interest 1899  
set forth in division (C) (1) (a) of this section, a registrant 1900  
may charge and collect interest for the first installment period 1901  
based on elapsed time from the date of the loan to the first 1902  
scheduled payment due date, and for each succeeding installment 1903  
period from the scheduled payment due date to the next scheduled 1904  
payment due date, regardless of the date or dates the payments 1905  
are actually made. 1906

(c) Whether a registrant computes interest pursuant to 1907  
division (C) (1) (a) or (b) of this section, each payment shall be 1908  
applied first to unpaid charges, then to interest, and the 1909  
remainder to the unpaid principal balance. However, if the 1910  
amount of the payment is insufficient to pay the accumulated 1911

interest, the unpaid interest continues to accumulate to be paid 1912  
from the proceeds of subsequent payments and is not added to the 1913  
principal balance. 1914

(2) Interest shall not be compounded, collected, or paid 1915  
in advance. However, both of the following apply: 1916

(a) Interest may be charged to extend the first monthly 1917  
installment period by not more than fifteen days, and the 1918  
interest charged for the extension may be added to the principal 1919  
amount of the loan. 1920

(b) If part or all of the consideration for a new loan 1921  
contract is the unpaid principal balance of a prior loan, the 1922  
principal amount payable under the new loan contract may include 1923  
any unpaid interest that has accrued. The resulting loan 1924  
contract shall be deemed a new and separate loan transaction for 1925  
purposes of this section. The unpaid principal balance of a 1926  
precomputed loan is the balance due after refund or credit of 1927  
unearned interest as provided in division (D) (3) of this 1928  
section. 1929

(D) With respect to precomputed loans: 1930

(1) Loans shall be repayable in monthly installments of 1931  
principal and interest combined, except that the first 1932  
installment period may exceed one month by not more than fifteen 1933  
days, and the first installment payment amount may be larger 1934  
than the remaining payments by the amount of interest charged 1935  
for the extra days; and provided further that monthly 1936  
installment payment dates may be omitted to accommodate 1937  
borrowers with seasonal income. 1938

(2) Payments may be applied to the combined total of 1939  
principal and precomputed interest until maturity of the loan. A 1940

registrant may charge interest after the original or deferred 1941  
maturity of a precomputed loan at the rate specified in division 1942  
(A) of this section on all unpaid principal balances for the 1943  
time outstanding. 1944

(3) When any loan contract is paid in full by cash, 1945  
renewal, refinancing, or a new loan, one month or more before 1946  
the final installment due date, the registrant shall refund, or 1947  
credit the borrower with, the total of the applicable charges 1948  
for all fully unexpired installment periods, as originally 1949  
scheduled or as deferred, that follow the day of prepayment. If 1950  
the prepayment is made other than on a scheduled installment due 1951  
date, the nearest scheduled installment due date shall be used 1952  
in such computation. If the prepayment occurs prior to the first 1953  
installment due date, the registrant may retain one-thirtieth of 1954  
the applicable charge for a first installment period of one 1955  
month for each day from date of loan to date of prepayment, and 1956  
shall refund, or credit the borrower with, the balance of the 1957  
total interest contracted for. If the maturity of the loan is 1958  
accelerated for any reason and judgment is entered, the 1959  
registrant shall credit the borrower with the same refund as if 1960  
prepayment in full had been made on the date the judgment is 1961  
entered. 1962

(4) If the parties agree in writing, either in the loan 1963  
contract or in a subsequent agreement, to a deferment of wholly 1964  
unpaid installments, a registrant may grant a deferment and may 1965  
collect a deferment charge as provided in this section. A 1966  
deferment postpones the scheduled due date of the earliest 1967  
unpaid installment and all subsequent installments as originally 1968  
scheduled, or as previously deferred, for a period equal to the 1969  
deferment period. The deferment period is that period during 1970  
which no installment is scheduled to be paid by reason of the 1971

deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred installment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. If a loan is prepaid in full during a deferment period, the registrant shall make, or credit to the borrower, a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(E) A registrant, at the request of the borrower, may obtain, on one or more borrowers, credit life insurance, credit accident and health insurance, and unemployment insurance. The premium or identifiable charge for the insurance may be included in the principal amount of the loan and may not exceed the premium rate filed by the insurer with the superintendent of insurance and not disapproved by the superintendent. If a registrant obtains the insurance at the request of the borrower, the borrower shall have the right to cancel the insurance for a period of twenty-five days after the loan is made. If the borrower chooses to cancel the insurance, the borrower shall give the registrant written notice of this choice and shall return all of the policies or certificates of insurance or notices of proposed insurance to the registrant during such period, and the full premium or identifiable charge for the insurance shall be refunded to the borrower by the registrant. If the borrower requests, in the notice to cancel the insurance, that this refund be applied to reduce the balance of a precomputed loan, the registrant shall credit the amount of the refund plus the amount of interest applicable to the refund to

the loan balance. 2003

If the registrant obtains the insurance at the request of 2004  
the borrower, the registrant shall not charge or collect 2005  
interest on any insured amount that remains unpaid after the 2006  
insured borrower's date of death. 2007

(F) A registrant may require the borrower to provide 2008  
insurance or a loss payable endorsement covering reasonable 2009  
risks of loss, damage, and destruction of property used as 2010  
security for the loan and with the consent of the borrower such 2011  
insurance may cover property other than that which is security 2012  
for the loan. The amount and term of required property insurance 2013  
shall be reasonable in relation to the amount and term of the 2014  
loan contract and the type and value of the security, and the 2015  
insurance shall be procured in accordance with the insurance 2016  
laws of this state. The purchase of this insurance through the 2017  
registrant or an agent or broker designated by the registrant 2018  
shall not be a condition precedent to the granting of the loan. 2019  
If the borrower purchases the insurance from or through the 2020  
registrant or from another source, the premium may be included 2021  
in the principal amount of the loan. 2022

~~(G) On loans secured by an interest in real estate, all of~~ 2023  
~~the following apply:~~ 2024

~~(1) A registrant, if not prohibited by section 1343.011 of~~ 2025  
~~the Revised Code, may charge and receive up to two points, and a~~ 2026  
~~prepayment penalty not in excess of one per cent of the original~~ 2027  
~~principal amount of the loan. Points may be paid by the borrower~~ 2028  
~~at the time of the loan or may be included in the principal~~ 2029  
~~amount of the loan. On a refinancing, a registrant may not~~ 2030  
~~charge under division (G) (1) of this section either of the~~ 2031  
~~following:~~ 2032

~~(a) Points on the portion of the principal amount that is applied to the unpaid principal amount of the refinanced loan, if the refinancing occurs within one year after the date of the refinanced loan on which points were charged;~~ 2033  
2034  
2035  
2036

~~(b) A prepayment penalty.~~ 2037

~~(2) As an alternative to the prepayment penalty described in division (G) (1) of this section, a registrant may contract for, charge, and receive the prepayment penalty described in division (G) (2) of this section for the prepayment of a loan prior to two years after the date the loan contract is executed. This prepayment penalty shall not exceed two per cent of the original principal amount of the loan if the loan is paid in full prior to one year after the date the loan contract is executed. The penalty shall not exceed one per cent of the original principal amount of the loan if the loan is paid in full at any time from one year, but prior to two years, after the date the loan contract is executed. A registrant shall not charge or receive a prepayment penalty under division (G) (2) of this section if any of the following applies:~~ 2038  
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~~(a) The loan is a refinancing by the same registrant or a registrant to whom the loan has been assigned;~~ 2052  
2053

~~(b) The loan is paid in full as a result of the sale of the real estate that secures the loan;~~ 2054  
2055

~~(c) The loan is paid in full with the proceeds of an insurance claim against an insurance policy that insures the life of the borrower or an insurance policy that covers loss, damage, or destruction of the real estate that secures the loan.~~ 2056  
2057  
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2059

~~(3) Division (G) of this section is not a limitation on discount points or other charges for purposes of section 501(b)~~ 2060  
2061

~~(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note.~~ 2062  
2063

~~(H)~~(1) In addition to the interest and charges provided 2064  
for by this section, no further or other amount, whether in the 2065  
form of broker fees, placement fees, or any other fees 2066  
whatsoever, shall be charged or received by the registrant, 2067  
except costs and disbursements in connection with any suit to 2068  
collect a loan or any lawful activity to realize on a security 2069  
interest ~~or mortgage~~ after default, including reasonable 2070  
attorney fees incurred by the registrant as a result of the suit 2071  
or activity and to which the registrant becomes entitled by law, 2072  
and except the following additional charges which may be 2073  
included in the principal amount of the loan or collected at any 2074  
time after the loan is made: 2075

(a) The amounts of fees authorized by law to record, file, 2076  
or release security interests ~~and mortgages~~ on a loan; 2077

~~(b) With respect to a loan secured by an interest in real- 2078  
estate, the following closing costs, if they are bona fide, 2079  
reasonable in amount, paid to third parties, and not for the 2080  
purpose of circumvention or evasion of this section: 2081~~

~~(i) Fees or premiums for title examination, abstract of 2082  
title, title insurance, surveys, title endorsements, title 2083  
binders, title commitments, home inspections, or pest 2084  
inspections; settlement or closing costs paid to unaffiliated 2085  
third parties; courier fees; and any federally mandated flood- 2086  
plain certification fee; 2087~~

~~(ii) If not paid to the registrant, an employee of the 2088  
registrant, or a person affiliated with the registrant, fees for 2089  
preparation of a mortgage, settlement statement, or other 2090~~

~~documents, fees for notarizing mortgages and other documents,~~ 2091  
~~appraisal fees, and fees for any federally mandated inspection~~ 2092  
~~of home improvement work financed by a second mortgage loan,~~ 2093

~~(e)~~ Fees for credit investigations not exceeding ten 2094  
dollars. 2095

(2) Division ~~(H)~~ (G) (1) of this section does not limit the 2096  
rights of registrants to engage in other transactions with 2097  
borrowers, provided the transactions are not a condition of the 2098  
loan. 2099

~~(I)~~ (H) If the loan contract or security instrument 2100  
contains covenants by the borrower to perform certain duties 2101  
pertaining to insuring or preserving security and the registrant 2102  
pursuant to the loan contract or security instrument pays for 2103  
performance of the duties on behalf of the borrower, the 2104  
registrant may add the amounts paid to the unpaid principal 2105  
balance of the loan or collect them separately. A charge for 2106  
interest may be made for sums advanced not exceeding the rate of 2107  
interest permitted by division (A) of this section. Within a 2108  
reasonable time after advancing a sum, the registrant shall 2109  
notify the borrower in writing of the amount advanced, any 2110  
interest charged with respect to the amount advanced, any 2111  
revised payment schedule, and shall include a brief description 2112  
of the reason for the advance. 2113

~~(J)~~ (I) (1) ~~In addition to points authorized under division~~ 2114  
~~(G) of this section, a~~ A registrant may charge and receive the 2115  
following: 2116

(a) With respect to ~~loans secured by goods or real estate~~ 2117  
loans: if the principal amount of the loan is five hundred 2118  
dollars or less, loan origination charges not exceeding fifteen 2119



dollars; if the principal amount of the loan is more than five 2120  
hundred dollars but less than one thousand dollars, loan 2121  
origination charges not exceeding thirty dollars; if the 2122  
principal amount of the loan is at least one thousand dollars 2123  
but less than two thousand dollars, loan origination charges not 2124  
exceeding one hundred dollars; if the principal amount of the 2125  
loan is at least two thousand dollars but less than five 2126  
thousand dollars, loan origination charges not exceeding two 2127  
hundred dollars; and if the principal amount of the loan is at 2128  
least five thousand dollars, loan origination charges not 2129  
exceeding the greater of two hundred fifty dollars or one per 2130  
cent of the principal amount of the loan. 2131

(b) With respect to loans that are not secured ~~by goods or~~ 2132  
~~real estate~~: if the principal amount of the loan is five hundred 2133  
dollars or less, loan origination charges not exceeding fifteen 2134  
dollars; if the principal amount of the loan is more than five 2135  
hundred dollars but less than one thousand dollars, loan 2136  
origination charges not exceeding thirty dollars; if the 2137  
principal amount of the loan is at least one thousand dollars 2138  
but less than five thousand dollars, loan origination charges 2139  
not exceeding one hundred dollars; and if the principal amount 2140  
of the loan is at least five thousand dollars, loan origination 2141  
charges not exceeding the greater of two hundred fifty dollars 2142  
or one per cent of the principal amount of the loan. 2143

(2) If a refinancing occurs within ninety days after the 2144  
date of the refinanced loan, a registrant may not impose loan 2145  
origination charges on the portion of the principal amount that 2146  
is applied to the unpaid principal amount of the refinanced 2147  
loan. 2148

(3) Loan origination charges may be paid by the borrower 2149

at the time of the loan or may be included in the principal 2150  
amount of the loan. 2151

~~(K)~~ (J) A registrant may charge and receive check 2152  
collection charges not greater than twenty dollars plus any 2153  
amount passed on from other depository institutions for each 2154  
check, negotiable order of withdrawal, share draft, or other 2155  
negotiable instrument returned or dishonored for any reason. 2156

~~(L)~~ (K) If the loan contract so provides, a registrant may 2157  
collect a default charge on any installment not paid in full 2158  
within ten days after its due date. For this purpose, all 2159  
installments are considered paid in the order in which they 2160  
become due. Any amounts applied to an outstanding loan balance 2161  
as a result of voluntary release of a security interest, sale of 2162  
security on the loan, or cancellation of insurance shall be 2163  
considered payments on the loan, unless the parties otherwise 2164  
agree in writing at the time the amounts are applied. The amount 2165  
of the default charge shall not exceed the greater of five per 2166  
cent of the scheduled installment or fifteen dollars. 2167

**Sec. 1321.58.** (A) A registrant may make open-end loans 2168  
pursuant to an agreement between the registrant and the borrower 2169  
whereby: 2170

(1) The registrant may permit the borrower to obtain 2171  
advances of money from the registrant from time to time or the 2172  
registrant may advance money on behalf of the borrower from time 2173  
to time as directed by the borrower. 2174

(2) The amount of each advance and permitted interest, 2175  
charges, and costs are debited to the borrower's account and 2176  
payments and other credits are credited to the same account. 2177

(3) The interest and charges are computed on the unpaid 2178

balance or balances of the account from time to time. 2179

(4) The borrower has the privilege of paying the account 2180  
in full at any time or, if the account is not in default, in 2181  
installments of determinable amounts as provided in the 2182  
agreement. 2183

For open-end loans, "billing cycle" means the time 2184  
interval between periodic billing dates. A billing cycle shall 2185  
be considered monthly if the closing date of the cycle is the 2186  
same date each month or does not vary by more than four days 2187  
from such date. 2188

(B) Notwithstanding any other provisions of the Revised 2189  
Code, a registrant may contract for and receive interest for 2190  
open-end loans at a rate or rates not exceeding twenty-one per 2191  
cent per year and may compute interest in each billing cycle by 2192  
either of the following methods: 2193

(1) By multiplying the daily rate by the daily unpaid 2194  
balance of the account, in which case the daily rate is 2195  
determined by dividing the annual rate by three hundred sixty- 2196  
five; 2197

(2) By multiplying the monthly rate by the average daily 2198  
unpaid balance of the account in the billing cycle, in which 2199  
case the average daily unpaid balance is the sum of all of the 2200  
daily unpaid balances each day during the cycle divided by the 2201  
number of days in the cycle. The monthly rate is determined by 2202  
dividing the annual rate by twelve. 2203

The billing cycle shall be monthly and the unpaid balance 2204  
on any day shall be determined by adding to any balance unpaid 2205  
as of the beginning of that day all advances and permitted 2206  
interest, charges, and costs and deducting all payments and 2207

other credits made or received that day. 2208

(C) In addition to the interest permitted in division (B) 2209  
of this section, a registrant may charge and receive or add to 2210  
the unpaid balance any or all of the following: 2211

(1) All charges and costs authorized by divisions (E), 2212  
(F), (G), (H), ~~(I)~~, and ~~(K)~~ (J) of section 1321.57 of the 2213  
Revised Code; 2214

(2) An annual credit line charge, for the privilege of 2215  
maintaining a line of credit, as follows: 2216

(a) For the first year: 2217

(i) If the original credit line is less than five thousand 2218  
dollars, an amount not exceeding one hundred fifty dollars; 2219

(ii) If the original credit line is at least five thousand 2220  
dollars, an amount not exceeding the greater of one per cent of 2221  
the original credit line or two hundred fifty dollars. 2222

(b) For subsequent years an amount not exceeding the 2223  
greater of one-half per cent of the credit line on the 2224  
anniversary date or fifty dollars. 2225

(3) A default charge on any required minimum payment not 2226  
paid in full within ten days after its due date. For this 2227  
purpose, all required minimum payments are considered paid in 2228  
the order in which they become due. The amount of the default 2229  
charge shall not exceed the greater of five per cent of the 2230  
required minimum payment or fifteen dollars. 2231

(D) The borrower at any time may pay all or any part of 2232  
the unpaid balance on the account or, if the account is not in 2233  
default, the borrower may pay the unpaid balance in installments 2234  
subject to minimum payment requirements as determined by the 2235

registrant and set forth in the open-end loan agreement. 2236

(E) If credit life insurance or credit accident and health 2237  
insurance is obtained by the registrant and if the insured dies 2238  
or becomes disabled when there is an outstanding open-end loan 2239  
indebtedness, the insurance shall be sufficient to pay the 2240  
unpaid balance on the loan due on the date of the borrower's 2241  
death in the case of credit life insurance or all minimum 2242  
payments that become due on the loan during the covered period 2243  
of disability in the case of credit accident and health 2244  
insurance. The additional charge for credit life insurance, 2245  
credit accident and health insurance, or unemployment insurance 2246  
shall be calculated each billing cycle by applying the current 2247  
monthly premium rate for the insurance, filed by the insurer 2248  
with the superintendent of insurance and not disapproved by the 2249  
superintendent, to the unpaid balances in the borrower's 2250  
account, using one of the methods specified in division (B) of 2251  
this section for the calculation of interest. No credit life 2252  
insurance, credit accident and health insurance, or unemployment 2253  
insurance written in connection with an open-end loan shall be 2254  
canceled by the registrant because of delinquency of the 2255  
borrower in making the required minimum payments on the loan 2256  
unless one or more such payments is past due for a period of 2257  
thirty days or more. The registrant shall advance to the insurer 2258  
the amounts required to keep the insurance in force during such 2259  
period, which amounts may be debited to the borrower's account. 2260

(F) Whenever there is no unpaid balance in an open-end 2261  
loan account, the account may be terminated by written notice, 2262  
by the borrower or the registrant, to the other party. ~~If a~~ 2263  
~~registrant has taken a mortgage on real property to secure the~~ 2264  
~~open-end loan, the registrant shall deliver, within thirty days~~ 2265  
~~following termination of the account, a release of the mortgage~~ 2266

~~to the borrower.~~ If a registrant has taken a security interest 2267  
in personal property to secure the open-end loan, the registrant 2268  
shall release the security interest and terminate any financing 2269  
statement in accordance with section 1309.513 of the Revised 2270  
Code. 2271

**Sec. 1321.59.** (A) No registrant under sections 1321.51 to 2272  
1321.60 of the Revised Code shall permit any borrower to be 2273  
indebted for a loan made under sections 1321.51 to 1321.60 of 2274  
the Revised Code at any time while the borrower is also indebted 2275  
to an affiliate or agent of the registrant for a loan made under 2276  
sections 1321.01 to 1321.19 of the Revised Code for the purpose 2277  
or with the result of obtaining greater charges than otherwise 2278  
would be permitted by sections 1321.51 to 1321.60 of the Revised 2279  
Code. 2280

(B) No registrant shall induce or permit any person to 2281  
become obligated to the registrant under sections 1321.51 to 2282  
1321.60 of the Revised Code, directly or contingently, or both, 2283  
under more than one contract of loan at the same time for the 2284  
purpose or with the result of obtaining greater charges than 2285  
would otherwise be permitted by sections 1321.51 to 1321.60 of 2286  
the Revised Code. 2287

(C) No registrant shall refuse to provide information 2288  
regarding the amount required to pay in full a loan under 2289  
sections 1321.51 to 1321.60 of the Revised Code when requested 2290  
by the borrower or by another person designated in writing by 2291  
the borrower. 2292

~~(D) On any loan or application for a loan under sections~~ 2293  
~~1321.51 to 1321.60 of the Revised Code secured by a mortgage on~~ 2294  
~~a borrower's real estate which is other than a first lien on the~~ 2295  
~~real estate, no person shall pay or receive, directly or~~ 2296

~~indirectly, fees or any other type of compensation for services~~ 2297  
~~of a mortgage broker that, in the aggregate, exceed the lesser~~ 2298  
~~of one thousand dollars or one per cent of the principal amount~~ 2299  
~~of the loan.~~ 2300

~~(E) No registrant or licensee shall obtain a certificate~~ 2301  
~~of registration or license through any false or fraudulent~~ 2302  
~~representation of a material fact or any omission of a material~~ 2303  
~~fact required by state or federal law, or make any substantial~~ 2304  
~~misrepresentation in the registration or license application, to~~ 2305  
~~engage in lending secured by real estate.~~ 2306

~~(F) No registrant or licensee, in connection with the~~ 2307  
~~business of making or offering to make residential mortgage~~ 2308  
~~loans, shall knowingly make false or misleading statements of a~~ 2309  
~~material fact, omissions of statements required by state or~~ 2310  
~~federal law, or false promises regarding a material fact,~~ 2311  
~~through advertising or other means, or engage in a continued~~ 2312  
~~course of misrepresentations.~~ 2313

~~(G) No registrant, licensee, or person making loans~~ 2314  
~~without a certificate of registration in violation of division~~ 2315  
~~(A) of section 1321.52 of the Revised Code, shall knowingly~~ 2316  
~~engage in conduct, in connection with the business of making or~~ 2317  
~~offering to make residential mortgage loans, that constitutes~~ 2318  
~~improper, fraudulent, or dishonest dealings.~~ 2319

~~(H) No registrant, licensee, or applicant involved in the~~ 2320  
~~business of making or offering to make residential mortgage~~ 2321  
~~loans shall fail to notify the division of financial~~ 2322  
~~institutions within thirty days after knowing any of the~~ 2323  
~~following:~~ 2324

~~(1) That the registrant, licensee, or applicant has been~~ 2325

~~convicted of or pleaded guilty or nolo contendere to a felony- 2326  
offense in a domestic, foreign, or military court; 2327~~

~~(2) That the registrant, licensee, or applicant has been 2328  
convicted of or pleaded guilty or nolo contendere to any 2329  
criminal offense involving theft, receiving stolen property, 2330  
embezzlement, forgery, fraud, passing bad checks, money 2331  
laundering, breach of trust, dishonesty, or drug trafficking, or 2332  
any criminal offense involving money or securities, in a 2333  
domestic, foreign, or military court; 2334~~

~~(3) That the registrant, licensee, or applicant has had a 2335  
mortgage lender registration or mortgage loan originator 2336  
license, or comparable authority, revoked in any governmental 2337  
jurisdiction. 2338~~

~~(I) No registrant or licensee shall knowingly make, 2339  
propose, or solicit fraudulent, false, or misleading statements 2340  
on any mortgage document or on any document related to a 2341  
mortgage loan, including a mortgage application, real estate 2342  
appraisal, or real estate settlement or closing document. For 2343  
purposes of this division, "fraudulent, false, or misleading 2344  
statements" does not include mathematical errors, inadvertent 2345  
transposition of numbers, typographical errors, or any other 2346  
bona fide error. 2347~~

~~(J) No registrant or licensee shall knowingly instruct, 2348  
solicit, propose, or otherwise cause a borrower to sign in blank 2349  
a loan related document in connection with a residential 2350  
mortgage loan. 2351~~

~~(K) No registrant or licensee shall knowingly compensate, 2352  
instruct, induce, coerce, or intimidate, or attempt to 2353  
compensate, instruct, induce, coerce, or intimidate, a person 2354~~



~~licensed or certified as an appraiser under Chapter 4763. of the~~ 2355  
~~Revised Code for the purpose of corrupting or improperly~~ 2356  
~~influencing the independent judgment of the person with respect~~ 2357  
~~to the value of the dwelling offered as security for repayment~~ 2358  
~~of a mortgage loan.~~ 2359

~~(L) No registrant or licensee shall willfully retain~~ 2360  
~~original documents provided to the registrant or licensee by the~~ 2361  
~~borrower in connection with the residential mortgage loan~~ 2362  
~~application, including income tax returns, account statements,~~ 2363  
~~or other financial related documents.~~ 2364

~~(M) No registrant or licensee shall, in connection with~~ 2365  
~~making residential mortgage loans, receive, directly or~~ 2366  
~~indirectly, a premium on the fees charged for services performed~~ 2367  
~~by a bona fide third party.~~ 2368

~~(N) No registrant or licensee shall, in connection with~~ 2369  
~~making residential mortgage loans, pay or receive, directly or~~ 2370  
~~indirectly, a referral fee or kickback of any kind to or from a~~ 2371  
~~bona fide third party or other party with a related interest in~~ 2372  
~~the transaction, including a home improvement builder, real~~ 2373  
~~estate developer, or real estate broker or agent, for the~~ 2374  
~~referral of business. Nothing in this division shall prevent~~ 2375  
~~remuneration to a registrant or licensee for the licensed sale~~ 2376  
~~of any insurance product that is permitted under section 1321.57~~ 2377  
~~of the Revised Code, provided there is no additional fee or~~ 2378  
~~premium added to the cost for the insurance and paid directly or~~ 2379  
~~indirectly by the borrower.~~ 2380

~~(O) No registrant, licensee, or person making loans~~ 2381  
~~without a certificate of registration in violation of division~~ 2382  
~~(A) of section 1321.52 of the Revised Code shall, in connection~~ 2383  
~~with making or offering to make residential mortgage loans,~~ 2384

~~engage in any unfair, deceptive, or unconscionable act or~~ 2385  
~~practice prohibited under sections 1345.01 to 1345.13 of the~~ 2386  
~~Revised Code.~~ 2387

**Sec. 1321.60.** (A) ~~(1)~~ Advertising for loans subject to 2388  
sections 1321.51 to 1321.60 of the Revised Code shall not be 2389  
false, misleading, or deceptive. 2390

~~(2) False, misleading, or deceptive advertising includes,~~ 2391  
~~but is not limited to, the following:~~ 2392

~~(a) Placing, or causing to be placed, any advertisement~~ 2393  
~~indicating that special terms, reduced rates, guaranteed rates,~~ 2394  
~~particular rates, or any other special feature of mortgage loans~~ 2395  
~~is available unless the advertisement clearly states any~~ 2396  
~~limitations that apply.~~ 2397

~~(b) Placing, or causing to be placed, any advertisement~~ 2398  
~~containing a rate or special fee offer that is not a bona fide~~ 2399  
~~available rate or fee.~~ 2400

(B) In making any advertisement, a registrant shall comply 2401  
with 12 C.F.R. ~~226.16~~ 1026.16, as ~~amended~~ applicable. 2402

**Sec. 1321.631.** Sections 1321.62 to 1321.702 of the Revised 2403  
Code do not apply to any of the following: 2404

(A) Any credit transaction with a loan term of less than 2405  
six months from the loan transaction date; 2406

(B) Any credit transaction that does not require equal 2407  
monthly payments, unless either of the following ~~apply~~ applies: 2408

(1) The credit transaction contains an interest rate that 2409  
is tied to a published and verifiable index and the contractual 2410  
rate of interest is adjusted in accordance with changes in that 2411  
index. 2412

(2) The credit transaction provides for an extension of 2413  
the first monthly installment period pursuant to division (C) (2) 2414  
(a) or (D) (1) (a) of section 1321.68 of the Revised Code. 2415

(C) Any credit transaction with an interest rate in excess 2416  
of that provided for under section 1321.68 of the Revised Code; 2417

(D) Any credit transaction secured by an interest in the 2418  
covered borrower's residential mortgage loan, including a 2419  
transaction to finance the purchase or initial construction of a 2420  
dwelling, any refinance transaction, home equity loan or home 2421  
equity line of credit, or reverse mortgage; 2422

(E) Any credit transaction that originates as a result, 2423  
directly or indirectly, of a referral from a person registered 2424  
or acting as a credit services organization under sections 2425  
4712.01 to 4712.14 of the Revised Code; 2426

(F) Any credit transaction made by a person licensed as a 2427  
check-cashing business under sections 1315.21 to 1315.30 of the 2428  
Revised Code; 2429

(G) Any credit transaction made by a retail seller under 2430  
Chapter 1317. of the Revised Code; 2431

(H) Any credit transaction made by a person licensed or 2432  
acting as a pawnbroker under Chapter 4727. of the Revised Code; 2433

(I) Any credit transaction made by a person licensed under 2434  
sections 1321.35 to 1321.48 of the Revised Code; 2435

(J) Any credit transaction made by a collection agency 2436  
pursuant to section 1319.12 of the Revised Code; 2437

(K) Any credit transaction made by a premium finance 2438  
company licensed under sections 1321.71 to 1321.83 of the 2439  
Revised Code; 2440

(L) Any credit transaction made by a person chartered and 2441  
lawfully doing business under the authority of any law of this 2442  
state, another state, or the United States as a bank, savings 2443  
bank, trust company, savings and loan association, or credit 2444  
union, or a subsidiary of any such entity, which subsidiary is 2445  
regulated by a federal banking agency and is owned and 2446  
controlled by such a depository institution; 2447

(M) Any credit transaction made by a life, property, or 2448  
casualty insurance company licensed to do business in this state 2449  
or any entity licensed under Title XXXIX of the Revised Code 2450  
that makes advances or loans to any person who is licensed to 2451  
sell insurance pursuant to that title and who is authorized in 2452  
writing by that entity to sell insurance; 2453

(N) Any licensee doing business under sections 1321.01 to 2454  
1321.19 of the Revised Code; 2455

(O) Any registrant doing business under sections 1321.51 2456  
to 1321.60 of the Revised Code; 2457

(P) Any person making a business loan described in 2458  
division (B) (6) of section 1343.01 of the Revised Code; 2459

(Q) Any political subdivision, or any governmental or 2460  
other public entity, corporation, instrumentality, or agency, in 2461  
or of the United States or any state of the United States, or 2462  
any entity mentioned in division (B) (3) of section 1343.01 of 2463  
the Revised Code; 2464

(R) Any college or university, or controlled entity of a 2465  
college or university, as those terms are defined in section 2466  
1713.05 of the Revised Code; 2467

(S) Any person doing business under and as permitted by 2468  
any law of this state, another state, or the United States 2469

relating to banks, savings banks, savings societies, trust 2470  
companies, credit unions, or savings and loan associations 2471  
substantially all the business of which is confined to loans on 2472  
real estate mortgages and evidences of their own indebtedness. 2473

**Sec. 1321.72.** Except as provided in division (D) of 2474  
section 1321.78, sections 1321.71 to 1321.83 of the Revised Code 2475  
do not apply with respect to any of the following: 2476

(A) Life, property, or casualty insurance companies 2477  
authorized to do business in this state as to policies issued by 2478  
those companies; 2479

(B) The inclusion of a charge for insurance in connection 2480  
with any installment transaction pursuant to Chapter 1317. of 2481  
the Revised Code; 2482

(C) The financing of insurance premiums at a rate of 2483  
interest not exceeding the maximum rate permitted by section 2484  
1343.01 of the Revised Code; 2485

(D) Persons lawfully doing business under the authority of 2486  
any law of this state, another state, or the United States 2487  
relating to banks, savings banks, trust companies, savings and 2488  
loan associations, lenders authorized to make loans pursuant to 2489  
sections 1321.01 to 1321.19 of the Revised Code, lenders 2490  
authorized to make loans pursuant to sections 1321.51 to 1321.60 2491  
of the Revised Code, mortgage lenders authorized to make loans 2492  
under Chapter 1322. of the Revised Code, or any credit union; 2493

(E) Any person who purchases or otherwise acquires a 2494  
premium finance agreement from a licensee if the licensee 2495  
remains responsible for collecting payments due under the 2496  
agreement, and for otherwise servicing the agreement, in 2497  
compliance with sections 1321.71 to 1321.83 of the Revised Code. 2498

**Sec. 1321.99.** (A) Whoever violates section 1321.02 of the Revised Code is guilty of a felony of the fifth degree. 2499  
2500

(B) Whoever violates section 1321.13 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than six months, or both. 2501  
2502  
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(C) Whoever violates section 1321.14 of the Revised Code shall be fined not less than fifty nor more than two hundred dollars for a first offense; for a second offense such person shall be fined not less than two hundred nor more than five hundred dollars and imprisoned for not more than six months. 2504  
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(D) Whoever willfully violates section 1321.57, 1321.58, division (A), (B), or (C), ~~or (D)~~ of section 1321.59, 1321.591, or 1321.60 of the Revised Code is guilty of a minor misdemeanor and shall be fined not less than one nor more than five hundred dollars. 2509  
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~~(E) Whoever violates section 1321.52 or division (I), (J), (K), (L), or (M) of section 1321.59 of the Revised Code is guilty of a felony of the fifth degree.~~ 2514  
2515  
2516

~~(F)~~ Whoever violates division (A) of section 1321.73 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both. 2517  
2518  
2519

~~(G)~~ (F) Whoever violates section 1321.41 of the Revised Code is guilty of a misdemeanor of the first degree. 2520  
2521

~~(H) Whoever violates division (N) of section 1321.59 of the Revised Code is guilty of a felony of the fourth degree.~~ 2522  
2523

~~(I)~~ (G) The imposition of fines pursuant to this section does not preclude the imposition of any administrative fines or civil penalties authorized under section 1321.54 or any other 2524  
2525  
2526

section of the Revised Code. 2527

**Sec. 1322.01.** As used in ~~sections 1322.01 to 1322.12 of~~ 2528  
~~the Revised Code~~ this chapter: 2529

(A) "Administrative or clerical tasks" mean the receipt, 2530  
collection, and distribution of information common for the 2531  
processing or underwriting of a loan in the mortgage industry, 2532  
without performing any analysis of the information, and 2533  
communication with a consumer to obtain information necessary 2534  
for the processing or underwriting of a residential mortgage 2535  
loan. 2536

(B) "Advertising" means a commercial message in any medium 2537  
that promotes, either directly or indirectly, a residential 2538  
mortgage lending transaction. 2539

(C) "Application" has the same meaning as in 12 C.F.R. 2540  
1026.2(a)(3). 2541

(D) "Approved education course" means any course approved 2542  
by the nationwide mortgage licensing system and registry. 2543

(E) "Approved test provider" means any test provider 2544  
approved by the nationwide mortgage licensing system and 2545  
registry. 2546

(F) "Borrower" means a person seeking a residential 2547  
mortgage loan or an obligor on a residential mortgage loan. 2548

(G) "Branch office" means a location at which a licensee 2549  
conducts business other than a registrant's principal place of 2550  
business, if at least one of the following applies to the 2551  
location: 2552

(1) The address of the location appears on business cards, 2553  
stationery, or advertising used by the registrant; 2554

- (2) The registrant's name or advertising at the location suggests that mortgage transactions are made at the location; 2555  
2556
- (3) The location is held out to the public as a licensee's place of business due to the actions of an employee or independent contractor of the registrant; or 2557  
2558  
2559
- (4) The location within this state is controlled directly or indirectly by the registrant. 2560  
2561
- (H) "Buyer" means an individual who is solicited to purchase or who purchases the services of a mortgage ~~broker~~ loan originator for purposes of obtaining a residential mortgage loan. 2562  
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- ~~(B)~~ (I) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended. 2566  
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- ~~(C)~~ (J) "Control" means the power, directly or indirectly, to direct the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person is presumed to control an entity if that person: 2569  
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2571  
2572
- (1) Is a director, general partner, or executive officer or is an individual that occupies a similar position or performs a similar function; 2573  
2574  
2575
- (2) Directly or indirectly has the right to vote five per cent or more of a class of a voting security or has the power to sell or direct the sale of five per cent or more of a class of voting securities; 2576  
2577  
2578  
2579
- (3) In the case of a limited liability company, is a managing member; or 2580  
2581
- (4) In the case of a partnership, has the right to receive 2582



upon dissolution or has contributed five per cent or more of the 2583  
capital. 2584

(K) "Depository institution" has the same meaning as in 2585  
section 3 of the "Federal Deposit Insurance Act," 12 U.S.C. 2586  
1813(c), and also includes any credit union. 2587

(L) "Dwelling" has the same meaning as in 15 U.S.C. 2588  
1602(w). "Dwelling" includes a single condominium unit, 2589  
cooperative unit, mobile home, and trailer, if it is used as a 2590  
residence, whether or not that structure is attached to real 2591  
property. 2592

(M) "Employee" means an individual for whom a mortgage 2593  
broker or mortgage lender, in addition to providing a wage or 2594  
salary, pays social security and unemployment taxes, provides 2595  
workers' compensation coverage, and withholds local, state, and 2596  
federal income taxes. "Employee" also includes any individual 2597  
who acts as a mortgage loan originator or operations manager of 2598  
a registrant, but for whom the registrant is prevented by law 2599  
from making income tax withholdings. 2600

~~(D)~~ (N) "Entity" means a business organization, including 2601  
a sole proprietorship. 2602

(O) "Expungement" means a court-ordered process that 2603  
involves the destruction of documentation related to past 2604  
arrests and convictions. 2605

(P) "Federal banking agency" means the board of governors 2606  
of the federal reserve system, the comptroller of the currency, 2607  
the national credit union administration, or the federal deposit 2608  
insurance corporation. 2609

(Q) "Immediate family" means an individual's spouse, 2610  
child, stepchild, parent, stepparent, grandparent, grandchild, 2611

brother, sister, parent-in-law, brother-in-law, or sister-in- 2612  
law. 2613

(R) "Independent contractor" means an individual who 2614  
performs duties for another person and is not subject to that 2615  
person's supervision or control. 2616

(S) "Individual" means a natural person. 2617

(T) "Licensee" means any individual who has been issued a 2618  
mortgage loan originator license under ~~sections 1322.01 to~~ 2619  
~~1322.12 of the Revised Code~~ this chapter. 2620

~~(E)(1)~~(U) "Loan commitment" means a statement transmitted 2621  
in writing or electronically by a mortgage lender setting forth 2622  
the terms and conditions upon which the mortgage lender is 2623  
willing to make a particular residential mortgage loan to a 2624  
particular borrower. 2625

(V) "Loan processor or underwriter" means an individual 2626  
who, with respect to the origination of a residential mortgage 2627  
loan, performs administrative or clerical tasks as an employee 2628  
at the direction of and subject to the supervision of a mortgage 2629  
lender or mortgage broker. For purposes of this division, 2630  
"origination of a residential mortgage loan" means all 2631  
activities related to a residential mortgage loan, from the 2632  
taking of a loan application through the completion of all 2633  
required loan closing documents and the funding of the loan. 2634

(W) "Mortgage" means the consensual interest in real 2635  
property located in this state, including improvements to that 2636  
property, securing a debt evidence by a mortgage, trust 2637  
indenture, deed of trust, or other lien on real property. 2638

(X) "Mortgage broker" means an entity that obtains, 2639  
attempts to obtain, or assists in obtaining a mortgage loan for 2640

a borrower from a mortgage lender in return for consideration or 2641  
in anticipation of consideration. For purposes of this division, 2642  
"attempting to obtain or assisting in obtaining" a mortgage loan 2643  
includes referring a borrower to a mortgage lender, soliciting 2644  
or offering to solicit a mortgage loan on behalf of a borrower, 2645  
or negotiating or offering to negotiate the terms or conditions 2646  
of a mortgage loan with a mortgage lender on behalf of a 2647  
borrower. 2648

(Y) "Mortgage lender" means an entity that consummates a 2649  
residential mortgage loan, advances funds, offers to advance 2650  
funds, or commits to advancing funds for a residential mortgage 2651  
loan applicant. 2652

(Z) (1) "~~Loan~~ Mortgage loan originator" means an individual 2653  
who for compensation or gain, or in ~~anticipation the expectation~~ 2654  
of compensation or gain, does any of the following: 2655

(a) Takes ~~or offers to take~~ a residential mortgage loan 2656  
application; 2657

(b) Assists or offers to assist a buyer in obtaining or 2658  
applying to obtain a residential mortgage loan by, among other 2659  
things, advising on loan terms, including rates, fees, and other 2660  
costs; 2661

(c) Offers or negotiates terms of a residential mortgage 2662  
loan; 2663

(d) Issues or offers to issue a commitment for a 2664  
residential mortgage loan to a buyer. 2665

(2) "~~Loan~~ Mortgage loan originator" does not include any 2666  
of the following: 2667

(a) An individual who performs purely administrative or 2668

clerical tasks on behalf of a mortgage loan originator; 2669

(b) A person licensed under Chapter 4735. of the Revised 2670  
Code, or under the similar law of another state, who performs 2671  
only real estate brokerage activities permitted by that license, 2672  
provided the person is not compensated by a mortgage lender, 2673  
mortgage broker, mortgage loan originator, or by any agent 2674  
thereof; 2675

(c) A person solely involved in extensions of credit 2676  
relating to timeshare plans, as that term is defined in 11 2677  
U.S.C. 101 ~~in effect on January 1, 2009;~~ 2678

(d) An employee of a ~~registrant~~ mortgage lender or 2679  
mortgage broker who acts solely as a loan processor or 2680  
underwriter and who does not represent to the public, through 2681  
advertising or other means of communicating, including the use 2682  
of business cards, stationery, brochures, signs, rate lists, or 2683  
other promotional items, that the employee can or will perform 2684  
any of the activities of a mortgage loan originator; 2685

(e) ~~A mortgage loan originator licensed under sections~~ 2686  
~~1321.51 to 1321.60 of the Revised Code, when acting solely under~~ 2687  
~~that authority;~~ 2688

~~(f)~~ A licensed attorney who negotiates the terms of a 2689  
residential mortgage loan on behalf of a client as an ancillary 2690  
matter to the attorney's representation of the client, unless 2691  
the attorney is compensated by a mortgage lender, a mortgage 2692  
broker, or another mortgage loan originator, or by any agent 2693  
thereof; 2694

~~(g)~~ ~~(f)~~ Any person engaged in the retail sale of 2695  
manufactured homes, mobile homes, or industrialized units if, in 2696  
connection with financing those retail sales, the person only 2697

|  |      |
|--|------|
| assists the borrower by providing or transmitting the loan                   | 2698 |
| application and does not do any of the following:                            | 2699 |
| (i) Offer or negotiate the residential mortgage loan rates                   | 2700 |
| or terms;  | 2701 |
| (ii) Provide any counseling with borrowers about                             | 2702 |
| residential mortgage loan rates or terms;                                    | 2703 |
| (iii) Receive any payment or fee from any company or                         | 2704 |
| individual for assisting the borrower obtain or apply for                    | 2705 |
| financing to purchase the manufactured home, mobile home, or                 | 2706 |
| industrialized unit;   | 2707 |
| (iv) Assist the borrower in completing a residential                         | 2708 |
| mortgage loan application.   | 2709 |
| <del>(h)</del> <u>(g)</u> An individual employed by a nonprofit organization | 2710 |
| that is recognized as tax exempt under 26 U.S.C. 501(c) (3) and              | 2711 |
| whose primary activity is the construction, remodeling, or                   | 2712 |
| rehabilitation of homes for use by low-income families, provided             | 2713 |
| that the nonprofit organization makes no-profit mortgage loans               | 2714 |
| or mortgage loans at zero per cent interest to low-income                    | 2715 |
| families and no fees accrue directly to the nonprofit                        | 2716 |
| organization or individual employed by the nonprofit                         | 2717 |
| organization from those mortgage loans and that the United                   | 2718 |
| States department of housing and urban development does not deny             | 2719 |
| this exemption.  | 2720 |
| <del>(F) "Mortgage" means any indebtedness secured by a deed of</del>        | 2721 |
| <del>trust, security deed, or other lien on real property.</del>             | 2722 |
| <del>(G) (1) "Mortgage broker" means any of the following:</del>             | 2723 |
| <del>(a) A person that holds that person out as being able to</del>          | 2724 |
| <del>assist a buyer in obtaining a mortgage and charges or receives</del>    | 2725 |

~~from either the buyer or lender money or other valuable  
consideration readily convertible into money for providing this  
assistance;~~ 2726  
2727  
2728

~~(b) A person that solicits financial and mortgage  
information from the public, provides that information to a  
mortgage broker or a person that makes residential mortgage  
loans, and charges or receives from either of them money or  
other valuable consideration readily convertible into money for  
providing the information;~~ 2729  
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~~(c) A person engaged in table-funding or warehouse-lending  
mortgage loans that are first lien residential mortgage loans.~~ 2735  
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~~(2) "Mortgage broker" does not include any of the  
following persons only with respect to business engaged in or  
authorized by the person's charter, license, authority,  
approval, or certificate, or as otherwise authorized by division  
(G) (2) (h) of this section:~~ 2737  
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2739  
2740  
2741

~~(a) A person that makes residential mortgage loans and  
receives a scheduled payment on each of those mortgage loans;~~ 2742  
2743

~~(b) Any entity chartered and lawfully doing business under  
the authority of any law of this state, another state, or the  
United States as a bank, savings bank, trust company, savings  
and loan association, or credit union, or a subsidiary of any  
such entity, which subsidiary is regulated by a federal banking  
agency and is owned and controlled by a depository institution;~~ 2744  
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2746  
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2749

~~(c) A consumer reporting agency that is in substantial  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128,  
15 U.S.C.A. 1681a, as amended;~~ 2750  
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~~(d) Any political subdivision, or any governmental or  
other public entity, corporation, instrumentality, or agency, in~~ 2753  
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~~or of the United States or any state;~~ 2755

~~(e) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code;~~ 2756  
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~~(f) Any entity created solely for the purpose of securitizing loans secured by an interest in real estate, provided the entity does not service the loans. For purposes of division (G) (2) (f) of this section, "securitizing" means the packaging and sale of mortgage loans as a unit for sale as investment securities, but only to the extent of those activities.~~ 2759  
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~~(g) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in connection with obtaining financing by others for those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following:~~ 2766  
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~~(i) Offer or negotiate the residential mortgage loan rates or terms;~~ 2771  
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~~(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;~~ 2773  
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~~(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured home, mobile home, or industrialized unit;~~ 2775  
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~~(iv) Assist the borrower in completing the residential mortgage loan application.~~ 2779  
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~~(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of~~ 2781  
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~~exemption issued by the superintendent. For purposes of this~~ 2783  
~~section, "mortgage banker" means any person that makes,~~ 2784  
~~services, buys, or sells residential mortgage loans secured by a~~ 2785  
~~first lien, that underwrites the loans, and that meets at least~~ 2786  
~~one of the following criteria:~~ 2787

~~(i) The person has been directly approved by the United~~ 2788  
~~States department of housing and urban development as a~~ 2789  
~~nonsupervised mortgagee with participation in the direct~~ 2790  
~~endorsement program. Division (G) (2) (h) (i) of this section~~ 2791  
~~includes a person that has been directly approved by the United~~ 2792  
~~States department of housing and urban development as a~~ 2793  
~~nonsupervised mortgagee with participation in the direct~~ 2794  
~~endorsement program and that makes loans in excess of the~~ 2795  
~~applicable loan limit set by the federal national mortgage~~ 2796  
~~association, provided that the loans in all respects, except~~ 2797  
~~loan amounts, comply with the underwriting and documentation~~ 2798  
~~requirements of the United States department of housing and~~ 2799  
~~urban development. Division (G) (2) (h) (i) of this section does~~ 2800  
~~not include a mortgagee approved as a loan correspondent.~~ 2801

~~(ii) The person has been directly approved by the federal~~ 2802  
~~national mortgage association as a seller/servicer. Division (G)~~ 2803  
~~(2) (h) (ii) of this section includes a person that has been~~ 2804  
~~directly approved by the federal national mortgage association~~ 2805  
~~as a seller/servicer and that makes loans in excess of the~~ 2806  
~~applicable loan limit set by the federal national mortgage~~ 2807  
~~association, provided that the loans in all respects, except~~ 2808  
~~loan amounts, comply with the underwriting and documentation~~ 2809  
~~requirements of the federal national mortgage association.~~ 2810

~~(iii) The person has been directly approved by the federal~~ 2811  
~~home loan mortgage corporation as a seller/servicer. Division~~ 2812



~~(G) (2) (h) (iii) of this section includes a person that has been directly approved by the federal home loan mortgage corporation as a seller/servicer and that makes loans in excess of the applicable loan limit set by the federal home loan mortgage corporation, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the federal home loan mortgage corporation.~~ 2813  
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~~(iv) The person has been directly approved by the United States department of veterans affairs as a nonsupervised automatic lender. Division (G) (2) (h) (iv) of this section does not include a person directly approved by the United States department of veterans affairs as a nonsupervised lender, an agent of a nonsupervised automatic lender, or an agent of a nonsupervised lender.~~ 2820  
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~~(i) A nonprofit organization that is recognized as tax-exempt under 26 U.S.C. 501(c) (3) and whose primary activity is the construction, remodeling, or rehabilitation of homes for use by low-income families, provided that the nonprofit organization makes no-profit mortgage loans or mortgage loans at zero percent interest to low-income families and no fees accrue directly to the nonprofit organization from those mortgage loans and that the United States department of housing and urban development does not deny this exemption.~~ 2827  
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~~(j) A credit union service organization, provided that the organization utilizes services provided by registered loan originators or that it holds a valid letter of exemption issued by the superintendent under section 1322.023 of the Revised Code and complies with that section.~~ 2836  
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~~(H) "Operations manager" means the employee or owner responsible for the everyday operations, compliance~~ 2841  
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~~requirements, and management of a mortgage broker business.~~ 2843

~~(I) "Registered loan originator" means an individual to~~ 2844  
~~whom both of the following apply:~~ 2845

~~(1) The individual is a loan originator and an employee of~~ 2846  
~~a depository institution, a subsidiary that is owned and~~ 2847  
~~controlled by a depository institution and regulated by a~~ 2848  
~~federal banking agency, or an institution regulated by the farm-~~ 2849  
~~credit administration.~~ 2850

~~(2) The individual is registered with, and maintains a~~ 2851  
~~unique identifier through, the nationwide mortgage licensing~~ 2852  
~~system and registry.~~ 2853

~~(J) "Registrant" means any person that has been issued a~~ 2854  
~~mortgage broker certificate of registration under sections~~ 2855  
~~1322.01 to 1322.12 of the Revised Code.~~ 2856

~~(K) "Superintendent of financial institutions" includes~~ 2857  
~~the deputy superintendent for consumer finance as provided in~~ 2858  
~~section 1181.21 of the Revised Code.~~ 2859

~~(L) "Table funding mortgage loan" means a residential~~ 2860  
~~mortgage loan transaction in which the residential mortgage loan~~ 2861  
~~is initially payable to the mortgage broker, the mortgage broker~~ 2862  
~~does not use the mortgage broker's own funds to fund the~~ 2863  
~~transaction, and, by the terms of the mortgage or other~~ 2864  
~~agreement, the mortgage is simultaneously assigned to another~~ 2865  
~~person.~~ 2866

~~(M) "Warehouse lending mortgage loan" means a residential~~ 2867  
~~mortgage loan transaction in which the residential mortgage loan~~ 2868  
~~is initially payable to the mortgage broker, the mortgage broker~~ 2869  
~~uses the mortgage broker's own funds to fund the transaction,~~ 2870  
~~and the mortgage is sold or assigned before the mortgage broker~~ 2871

~~receives a scheduled payment on the residential mortgage loan.~~ 2872

~~(N) "Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.~~ 2873  
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~~(O) "Appraisal company" means a sole proprietorship, partnership, corporation, limited liability company, or any other business entity or association, that employs or retains the services of a person licensed or certified under Chapter 4763. of the Revised Code for purposes of performing residential real estate appraisals for mortgage loans.~~ 2879  
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~~(P) "Depository institution" has the same meaning as in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813, and includes any credit union.~~ 2885  
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~~(Q) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration, and the federal deposit insurance corporation.~~ 2888  
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~~(R) "Immediate family" means an individual's spouse, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, or sister-in-law.~~ 2893  
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~~(S) "Individual" means a natural person.~~ 2897

~~(T) "Loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of a licensed loan~~ 2898  
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~~originator or registered loan originator. For purposes of this  
division, to "perform clerical or support duties" means to do  
all of the following activities:~~ 2901  
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~~(1) Receiving, collecting, distributing, and analyzing  
information common for the processing or underwriting of a  
residential mortgage loan;~~ 2904  
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~~(2) Communicating with a buyer to obtain the information  
necessary for the processing or underwriting of a loan, to the  
extent the communication does not include offering or  
negotiating loan rates or terms or counseling buyers about  
residential mortgage loan rates or terms.~~ 2907  
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~~(U) (AA) "Nationwide mortgage licensing system and  
registry" means a mortgage licensing system developed and  
maintained by the conference of state bank supervisors and the  
American association of residential mortgage regulators, or  
their successor entities, for the licensing and registration of  
loan originators, or any system established by the secretary of  
housing and urban development pursuant to the "Secure and Fair-  
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810,  
12 U.S.C. 5101 persons providing non-depository financial  
services.~~ 2912  
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~~(V) (BB) "Nontraditional mortgage product" means any  
mortgage product other than a thirty-year fixed rate mortgage.~~ 2922  
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~~(W) (CC) "Person" means an individual, sole  
proprietorship, corporation, company, limited liability company,  
partnership, limited liability partnership, trust, or  
association.~~ 2924  
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~~(DD) "Real estate brokerage activity" means any activity  
that involves offering or providing real estate brokerage~~ 2928  
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services to the public, including all of the following: 2930

(1) Acting as a real estate ~~agent~~ salesperson or real 2931  
estate broker for a buyer, seller, lessor, or lessee of real 2932  
property; 2933

(2) Bringing together parties interested in the sale, 2934  
purchase, lease, rental, or exchange of real property, ~~other~~ 2935  
~~than in connection with providing financing for any such~~ 2936  
~~transaction;~~ 2937

(3) Negotiating, on behalf of any party, any portion of a 2938  
contract relating to the sale, purchase, lease, rental, or 2939  
exchange of real property, other than in connection with 2940  
providing financing for any such transaction; 2941

(4) Engaging in any activity for which a person engaged in 2942  
that activity is required to be ~~registered or~~ licensed as a real 2943  
estate ~~agent~~ salesperson or real estate broker under ~~any~~ 2944  
~~applicable the law of this state;~~ 2945

(5) Offering to engage in any activity, or to act in any 2946  
capacity, described in division ~~(W)~~ (DD) of this section. 2947

~~(X)~~ (EE) "Registered mortgage loan originator" means an 2948  
individual to whom both of the following apply: 2949

(1) The individual is a mortgage loan originator and an 2950  
employee of a depository institution, a subsidiary that is owned 2951  
and controlled by a depository institution and regulated by a 2952  
federal banking agency, or an institution regulated by the farm 2953  
credit administration. 2954

(2) The individual is registered with, and maintains a 2955  
unique identifier through, the nationwide mortgage licensing 2956  
system and registry. 2957

(FF) "Registrant" means any person that has been issued a certificate of registration under this chapter. 2958  
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(GG) "Residential mortgage loan" means any loan that meets both of the following requirements: 2960  
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(1) It is primarily for personal, family, or household use that and is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in section 103 of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C 1602 located in Ohio. 2962  
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(2) It is provided and secured by a first lien holder secured creditor or by a second lien holder secured creditor. 2969  
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~~(Y) "State," in the context of referring to states in addition to Ohio, means any state of the United States, the district of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific islands, the virgin islands, and the northern Mariana islands.~~ 2971  
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~~(Z)~~ (HH) "Residential real estate" means any real property located in this state upon which is constructed a dwelling or upon which a dwelling is intended to be built within a two-year period, subject to 24 C.F.R. 3500.5(b)(4). For purposes of this division, a borrower's intent to build a dwelling within a two-year period is presumed unless the borrower has submitted a written, signed statement to the contrary. 2976  
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(II) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code. 2983  
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(JJ) "Unique identifier" means a number or other 2986

identifier that permanently identifies a loan originator and is 2987  
assigned by protocols established by the nationwide mortgage 2988  
licensing system and registry or federal banking agencies to 2989  
facilitate electronic tracking of loan originators and uniform 2990  
identification of, and public access to, the employment history 2991  
of and the publicly adjudicated disciplinary and enforcement 2992  
actions against loan originators. 2993

**Sec. ~~1322.024~~ 1322.02.** The superintendent of financial 2994  
institutions may, by rule, ~~expand~~ amend the definition of 2995  
mortgage loan originator or, mortgage broker, or mortgage 2996  
lender in section 1322.01 of the Revised Code ~~by adding~~ 2997  
~~individuals, persons, or entities, or may exempt additional~~ 2998  
~~individuals, persons, or entities from those definitions, or the~~ 2999  
criteria for an entity to obtain a letter of exemption under 3000  
division (B) (1) of section 1322.05 of the Revised Code, if the 3001  
superintendent finds that the ~~addition or exemption change~~ is 3002  
necessary to remain consistent with the purposes ~~fairly~~ intended 3003  
by the policy and provisions of ~~sections 1322.01 to 1322.12 of~~ 3004  
~~the Revised Code and the "Secure and Fair Enforcement for~~ 3005  
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 3006

Rules authorized by this section shall be adopted in 3007  
accordance with Chapter 119. of the Revised Code. 3008

**Sec. 1322.04.** This chapter does not apply to any of the 3009  
following: 3010

(A) Any entity chartered and lawfully doing business under 3011  
the authority of any law of this state, another state, or the 3012  
United States as a bank, savings bank, trust company, savings 3013  
and loan association, or credit union, or a subsidiary of any 3014  
such entity, which subsidiary is regulated by a federal banking 3015  
agency and is owned and controlled by a depository institution; 3016

(B) A consumer reporting agency that is in substantial 3017  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 3018  
15 U.S.C. 1681a, as amended; 3019

(C) Any political subdivision, or any governmental or 3020  
other public entity, corporation, instrumentality, or agency, in 3021  
or of the United States or any state; 3022

(D) A college or university, or controlled entity of a 3023  
college or university, as those terms are defined in section 3024  
1713.05 of the Revised Code; 3025

(E) Any entity created solely for the purpose of 3026  
securitizing loans secured by an interest in real estate, 3027  
provide the entity does not service the loans. As used in this 3028  
division, "securitizing" means the packaging and sale of 3029  
mortgage loans as a unit for sale as investment securities, but 3030  
only to the extent of those activities. 3031

(F) Any person engaged in the retail sale of manufactured 3032  
homes, mobile homes, or industrialized units if, in connection 3033  
with obtaining financing by others for those retail sales, the 3034  
person only assists the borrower by providing or transmitting 3035  
the loan application and does not do any of the following: 3036

(1) Offer or negotiate the residential mortgage loan rates 3037  
or terms; 3038

(2) Provide any counseling with borrowers about 3039  
residential mortgage loan rates or terms; 3040

(3) Receive any payment or fee from any company or 3041  
individual for assisting the borrower to obtain or apply for 3042  
financing to purchase the manufactured home, mobile home, or 3043  
industrialized unit; 3044



(4) Assist the borrower in completing the residential mortgage loan application. 3045  
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(G) A bona fide nonprofit organization that is recognized as tax exempt under 26 U.S.C. 501(c)(3) and whose primary activity is the construction, remodeling, or rehabilitation of homes for use by low-income families, provided that the organization makes no-profit mortgage loans or mortgage loans at zero per cent interest to low-income families and no fees accrue directly to the organization from those mortgage loans and that the United States department of housing and urban development does not deny this exemption; 3047  
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(H) A credit union service organization, provided that the organization utilizes services provided by registered mortgage loan originators or that it holds a valid letter of exemption issued by the superintendent of financial institutions under division (B) (1) of section 1322.05 of the Revised Code. 3056  
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(I) A depository institution not otherwise required to be licensed under this chapter that voluntarily makes a filing on the nationwide mortgage licensing system and registry as an exempt entity for the purpose of licensing loan originators exclusively associated with the institution and that holds a valid letter of exemption issued by the superintendent pursuant to division (B) (1) of section 1322.05 of the Revised Code. 3061  
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**Sec. ~~1322.023~~ 1322.05.** (A) A credit union service organization or depository institution seeking exemption from registration pursuant to division ~~(G) (2) (j)~~ (H) or (I) of section ~~1322.01~~ 1322.04 of the Revised Code or rules adopted by the superintendent in accordance with section 1322.02 of the Revised Code shall submit an application to the superintendent of financial institutions along with a nonrefundable fee of 3068  
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three hundred fifty dollars for each location of an office to be maintained by the organization or institution seeking exemption.  
The application shall be in a form prescribed by the superintendent and shall include all of the following:

(1) The organization's or institution's business name and state of incorporation or business registration;

(2) The names of the owners, officers, or partners having control of the organization or institution;

(3) An attestation to all of the following:

(a) That the organization or institution and its owners, officers, or partners identified in division (A)(2) of this section have not had a credit union service organization registration or license, mortgage banker license, mortgage broker certificate of registration, or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction;

(b) That the organization or institution and its owners, officers, or partners identified in division (A)(2) of this section have not been convicted of, or pleaded guilty or nolo contendere to, any of the following in a domestic, foreign, or military court:

(i) During the seven-year period immediately preceding the date of application for exemption, a misdemeanor involving theft or any felony;

(ii) At any time prior to the date the application for exemption is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.

(c) That, with respect to financing residential mortgage

loans, the organization or institution conducts business with 3103  
residents of this state or secures its loans with property 3104  
located in this state. 3105

(4) The names of all mortgage loan originators or 3106  
licensees under the organization's or institution's control and 3107  
direction; 3108

(5) An acknowledgment of understanding that the 3109  
organization or institution is subject to the regulatory 3110  
authority of the division of financial institutions as described  
in this section; 3111  
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(6) Any further reasonable information that the 3113  
superintendent may require. 3114

(B) (1) If the superintendent determines that the credit 3115  
union service organization ~~honestly made the attestation~~  
~~required under division (A) (3) of this section and otherwise~~ or 3116  
depository institution qualifies for exemption, the 3117  
superintendent shall issue a letter of exemption. Additional 3118  
certified copies of a letter of exemption shall be provided upon 3119  
request and the payment of seventy-five dollars per copy. 3120  
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(2) If the superintendent determines that the organization 3122  
or institution does not qualify for exemption, the 3123  
superintendent shall issue a notice of denial, and the 3124  
organization or institution may request a hearing in accordance 3125  
with Chapter 119. of the Revised Code. 3126

(C) All of the following conditions apply to any credit 3127  
union service organization or depository institution holding a 3128  
valid letter of exemption: 3129

(1) The organization or institution shall be subject to 3130  
examination in the same manner as a registrant with respect to 3131

the conduct of the organization's or institution's mortgage loan 3132  
originators. In conducting any out-of-state examination, the 3133  
organization or institution shall be responsible for paying the 3134  
costs of the division in the same manner as a registrant. 3135

(2) The organization or institution shall have an 3136  
affirmative duty to supervise the conduct of its mortgage loan 3137  
originators, and to cooperate with investigations by the 3138  
division with respect to that conduct, in the same manner as is 3139  
required of registrants. 3140

(3) The organization or institution shall keep and 3141  
maintain records of all transactions relating to the conduct of 3142  
its mortgage loan originators in the same manner as is required 3143  
of registrants. 3144

(4) The organization or institution may provide the surety 3145  
bond for its licensees in the same manner as is permitted for 3146  
registrants. 3147

(D) A letter of exemption expires annually on the thirty- 3148  
first day of December and may be renewed on or before that date 3149  
by submitting an application that meets the requirements of 3150  
division (A) of this section and a nonrefundable renewal fee of 3151  
three hundred fifty dollars for each location of an office to be 3152  
maintained by the credit union service organization or 3153  
depository institution. 3154

(E) The superintendent may issue a notice to revoke or 3155  
suspend a letter of exemption if the superintendent finds that 3156  
the letter was obtained through a false or fraudulent 3157  
representation of a material fact, or the omission of a material 3158  
fact, required by law, or that a condition for exemption is no 3159  
longer being met. Prior to issuing an order of revocation or 3160

suspension, the credit union service organization or depository 3161  
institution shall be given an opportunity for a hearing in 3162  
accordance with Chapter 119. of the Revised Code. 3163

(F) All information obtained by the division pursuant to 3164  
an examination or investigation under this section shall be 3165  
subject to the confidentiality requirements set forth in section 3166  
~~1322.061~~ 1322.36 of the Revised Code. 3167

(G) All money collected under this section shall be 3168  
deposited into the state treasury to the credit of the consumer 3169  
finance fund created in section 1321.21 of the Revised Code. 3170

**Sec. ~~1322.02~~ 1322.07.** (A) ~~(1)~~ No person, on the person's 3171  
own behalf or on behalf of any other person, shall act as a 3172  
mortgage lender or mortgage broker without first having obtained 3173  
a certificate of registration from the superintendent of 3174  
financial institutions for ~~every~~ the principal office and every 3175  
branch office to be maintained by the person for the transaction 3176  
of business as a mortgage lender or mortgage broker in this 3177  
state. A registrant shall maintain an office location ~~in this~~ 3178  
~~state~~ for the transaction of business as a mortgage lender or 3179  
mortgage broker in this state. 3180

~~(2) No person shall act or hold that person's self out as~~ 3181  
~~a mortgage broker under the authority or name of a registrant or~~ 3182  
~~person exempt from sections 1322.01 to 1322.12 of the Revised~~ 3183  
~~Code without first having obtained a certificate of registration~~ 3184  
~~from the superintendent for every office to be maintained by the~~ 3185  
~~person for the transaction of business as a mortgage broker in~~ 3186  
~~this state.~~ 3187

(B) (1) No individual shall act as a mortgage loan 3188  
originator without first having obtained a license from the 3189

superintendent. A mortgage loan originator shall be employed by 3190  
or associated with a mortgage lender, mortgage broker ~~or any~~ 3191  
~~person or entity listed in division (G) (2) of section 1322.01 of~~ 3192  
~~the Revised Code, or entity holding a valid letter of exemption~~ 3193  
under division (B) (1) of section 1322.05 of the Revised Code, 3194  
but shall not be employed by or associated with more than one 3195  
~~mortgage broker or person or entity registrant or entity holding~~ 3196  
a valid letter of exemption under division (B) (1) of section 3197  
1322.05 of the Revised Code at any one time. 3198

(2) An individual acting under the individual's authority 3199  
as a registered mortgage loan originator shall not be required 3200  
to be licensed under division (B) (1) of this section. 3201

(3) An individual who holds a valid temporary mortgage 3202  
loan originator license issued pursuant to section ~~1322.042-~~ 3203  
1322.24 of the Revised Code may engage in the business of a 3204  
mortgage loan originator in accordance with ~~sections 1322.01 to-~~ 3205  
~~1322.12 of the Revised Code~~ this chapter during the term of the 3206  
temporary license. 3207

~~(C) (1) No person acting as a mortgage broker or loan-~~ 3208  
~~originator shall fail to register with, and maintain a valid-~~ 3209  
~~unique identifier issued by, the nationwide mortgage licensing-~~ 3210  
~~system and registry.~~ 3211

~~(2) No person shall use a mortgage broker's or loan-~~ 3212  
~~originator's unique identifier for any purpose other than as set-~~ 3213  
~~forth in the "Secure and Fair Enforcement for Mortgage Licensing-~~ 3214  
~~Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.~~ 3215

**Sec. ~~1322.03~~ 1322.09.** (A) An application for a certificate 3216  
of registration ~~as a mortgage broker~~ shall be in writing, under 3217  
oath, and in ~~the~~ a form prescribed by the superintendent of 3218

financial institutions that complies with the requirements of 3219  
the nationwide mortgage licensing system and registry. The 3220  
application shall be accompanied by a nonrefundable application 3221  
fee of five hundred dollars for each location of an office to be 3222  
maintained by the applicant in accordance with division (A) of 3223  
section ~~1322.02~~ 1322.07 of the Revised Code and any additional 3224  
fee required by the nationwide mortgage licensing system and 3225  
registry. ~~The application shall provide all of the following:—~~ 3226

~~(1) The location or locations where the business is to be~~ 3227  
~~transacted and whether any location is a residence. If any~~ 3228  
~~location where the business is to be transacted is a residence,~~ 3229  
~~the superintendent may require that the application be~~ 3230  
~~accompanied by a copy of a zoning permit authorizing the use of~~ 3231  
~~the residence for commercial purposes, or by a written opinion~~ 3232  
~~or other document issued by the county or political subdivision~~ 3233  
~~where the residence is located certifying that the use of the~~ 3234  
~~residence to transact business as a mortgage broker is not~~ 3235  
~~prohibited by the county or political subdivision.~~ 3236

~~(2) (a) In the case of a sole proprietor, the name and~~ 3237  
~~address of the sole proprietor;~~ 3238

~~(b) In the case of a partnership, the name and address of~~ 3239  
~~each partner;~~ 3240

~~(c) In the case of a corporation, the name and address of~~ 3241  
~~each shareholder owning five per cent or more of the~~ 3242  
~~corporation;~~ 3243

~~(d) In the case of any other entity, the name and address~~ 3244  
~~of any person that owns five per cent or more of the entity that~~ 3245  
~~will transact business as a mortgage broker.~~ 3246

~~(3) Each applicant shall designate an employee or owner of~~ 3247

~~the applicant as the applicant's operations manager. While~~ 3248  
~~acting as the operations manager, the employee or owner shall be~~ 3249  
~~licensed as a loan originator under sections 1322.01 to 1322.12~~ 3250  
~~of the Revised Code and shall not be employed by any other~~ 3251  
~~mortgage broker.~~ 3252

~~(4) Evidence that the person designated on the application~~ 3253  
~~pursuant to division (A) (3) of this section possesses at least~~ 3254  
~~three years of experience in the residential mortgage and~~ 3255  
~~lending field, which experience may include employment with or~~ 3256  
~~as a mortgage broker or with a depository institution, mortgage~~ 3257  
~~lending institution, or other lending institution, or possesses~~ 3258  
~~at least three years of other experience related specifically to~~ 3259  
~~the business of residential mortgage loans that the~~ 3260  
~~superintendent determines meets the requirements of division (A)~~ 3261  
~~(4) of this section;~~ 3262

~~(5) Evidence that the person designated on the application~~ 3263  
~~pursuant to division (A) (3) of this section has successfully~~ 3264  
~~completed the pre-licensing instruction requirements set forth~~ 3265  
~~in section 1322.031 of the Revised Code;~~ 3266

~~(6) Evidence of compliance with the surety bond~~ 3267  
~~requirements of section 1322.05 of the Revised Code and with~~ 3268  
~~sections 1322.01 to 1322.12 of the Revised Code;~~ 3269

~~(7) In the case of a foreign business entity, evidence~~ 3270  
~~that it maintains a license or registration pursuant to Chapter~~ 3271  
~~1703., 1705., 1775., 1776., 1777., 1782., or 1783. of the~~ 3272  
~~Revised Code to transact business in this state;~~ 3273

~~(8) Evidence that the applicant's operations manager has~~ 3274  
~~successfully completed the written test required by section~~ 3275  
~~1322.051 of the Revised Code;~~ 3276



~~(9) Any further information that the superintendent requires.~~ 3277  
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(B) Upon the filing of the application and payment of the nonrefundable application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent ~~of financial institutions~~ shall investigate the applicant, and any individual whose identity is required to be disclosed in the application, ~~as set forth in division (B) of this section.~~ 3279  
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~~(1) (a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:~~ 3286  
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~~(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with section 109.572 of the Revised Code;~~ 3292  
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~~(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check.~~ 3298  
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~~(b) Any fee required under division (C) (3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant.~~ 3300  
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~~(2) The . As part of that investigation, the superintendent shall conduct a civil records check.~~ 3303  
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~~(3) If, in order to issue a certificate of registration to~~ 3305

an applicant, additional investigation by the superintendent 3306  
outside this state is necessary, the superintendent may require 3307  
the applicant to advance sufficient funds to pay the actual 3308  
expenses of the investigation, if it appears that these expenses 3309  
will exceed five hundred dollars. The superintendent shall 3310  
provide the applicant with an itemized statement of the actual 3311  
expenses that the applicant is required to pay. 3312

(C) In connection with applying for a certificate of 3313  
registration, the applicant shall furnish to the nationwide 3314  
mortgage licensing system and registry information concerning 3315  
the applicant's identity, including all of the following: 3316

(1) The applicant's fingerprints for submission to the 3317  
federal bureau of investigation, and any other governmental 3318  
agency or entity authorized to receive such information, for 3319  
purposes of a state, national, and international criminal 3320  
history background check; 3321

(2) Personal history and experience in a form prescribed 3322  
by the nationwide mortgage licensing system and registry, along 3323  
with authorization for the superintendent and the nationwide 3324  
mortgage licensing system and registry to obtain both of the 3325  
following: 3326

(a) An independent credit report from a consumer reporting 3327  
agency; 3328

(b) Information related to any administrative, civil, or 3329  
criminal findings by any governmental jurisdiction. 3330

(D) The superintendent shall pay all funds advanced and 3331  
application and renewal fees and penalties the superintendent 3332  
receives pursuant to this section and section ~~1322.04~~ 1322.10 of 3333  
the Revised Code to the treasurer of state to the credit of the 3334

consumer finance fund created in section 1321.21 of the Revised Code. 3335  
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~~(D)~~ (E) If an application for a ~~mortgage broker~~ certificate of registration does not contain all of the information required under ~~division (A)~~ of this section, and if that information is not submitted to the superintendent or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn. 3337  
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~~(E)~~ (F) A ~~mortgage broker~~ certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means. 3346  
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~~(F)~~ ~~The registration requirements of this chapter apply to any person acting as a mortgage broker, and no person is exempt from the requirements of this chapter on the basis of prior work or employment as a mortgage broker.~~ 3350  
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(G) (1) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage lender or mortgage broker certificates of registration or the persons associated with a mortgage lender or mortgage broker. 3354  
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(2) For purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain, the division of financial institutions may use the 3361  
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nationwide mortgage licensing system and registry as a 3364  
channeling agent for requesting information from and 3365  
distributing information to the United States department of 3366  
justice or other governmental agencies. 3367

(3) For purposes of this section and to reduce the points 3368  
of contact that the division may have to maintain, the division 3369  
may use the nationwide mortgage licensing system and registry as 3370  
a channeling agent for requesting information from and 3371  
distributing information to any source as determined by the 3372  
division. 3373

**Sec. ~~1322.04~~ 1322.10.** (A) Upon the conclusion of the 3374  
investigation required under division (B) of section ~~1322.03~~ 3375  
~~1322.09~~ of the Revised Code, the superintendent of financial 3376  
institutions shall issue a certificate of registration to the 3377  
applicant if the superintendent finds that the following 3378  
conditions are met: 3379

(1) The application is accompanied by the application fee 3380  
and any fee required by the nationwide mortgage licensing system 3381  
and registry. 3382

(a) If a check or other draft instrument is returned to 3383  
the superintendent for insufficient funds, the superintendent 3384  
shall notify the applicant by certified mail, return receipt 3385  
requested, that the application will be withdrawn unless the 3386  
applicant, within thirty days after receipt of the notice, 3387  
submits the application fee and a one-hundred-dollar penalty to 3388  
the superintendent. If the applicant does not submit the 3389  
application fee and penalty within that time period, or if any 3390  
check or other draft instrument used to pay the fee or penalty 3391  
is returned to the superintendent for insufficient funds, the 3392  
application shall be withdrawn. 3393

(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the certificate of registration has been issued, the superintendent shall notify the registrant by certified mail, return receipt requested, that the certificate of registration issued in reliance on the check or other draft instrument will be canceled unless the registrant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the registrant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the certificate of registration shall be canceled immediately without a hearing, and the registrant shall cease activity as a mortgage broker.

(2) If the application is for a location that is a residence, evidence that the use of the residence to transact business as a mortgage lender or mortgage broker is not prohibited.

~~(3) The person designated on the application pursuant to division (A) (3) of section 1322.03 of the Revised Code meets the experience requirements provided in division (A) (4) of section 1322.03 of the Revised Code and the education requirements set forth in division (A) (5) of section 1322.03 of the Revised Code.~~

~~(4) The applicant maintains all necessary filings and approvals required by the secretary of state.~~

~~(5) (4) The applicant complies with the surety bond requirements of section ~~1322.05~~ 1322.32 of the Revised Code.~~

~~(6) (5) The applicant complies with sections 1322.01 to~~

~~1322.12 of the Revised Code and the rules adopted thereunder has~~ 3423  
~~not made a material misstatement of fact or material omission of~~ 3424  
~~fact in the application.~~ 3425

~~(7)~~ (6) Neither the applicant nor any person whose 3426  
identity is required to be disclosed on an application for a 3427  
~~mortgage broker~~ certificate of registration has had such a 3428  
~~mortgage broker~~ certificate of registration or mortgage loan 3429  
originator license, or any comparable authority, revoked in any 3430  
governmental jurisdiction or has pleaded guilty or nolo 3431  
contendere to or been convicted of any of the following in a 3432  
domestic, foreign, or military court: 3433

(a) During the seven-year period immediately preceding the 3434  
date of application for the certificate of registration, a 3435  
misdemeanor involving theft or any felony; 3436

(b) At any time prior to the date the application for the 3437  
certificate of registration is approved, a felony involving an 3438  
act of fraud, dishonesty, a breach of trust, theft, or money 3439  
laundering. 3440

~~(8) Based on the totality of the circumstances and~~ 3441  
~~information submitted in the application, the applicant has~~ 3442  
~~proven to the superintendent, by a preponderance of the~~ 3443  
~~evidence, that the applicant is of good business repute, appears~~ 3444  
~~qualified to act as a mortgage broker, has fully complied with~~ 3445  
~~sections 1322.01 to 1322.12 of the Revised Code and the rules~~ 3446  
~~adopted thereunder, and meets all of the conditions for issuing~~ 3447  
~~a mortgage broker certificate of registration.~~ 3448

~~(9)~~ (7) The applicant's operations manager successfully 3449  
completed the examination required by section ~~1322.051~~ 1322.27 3450  
of the Revised Code. 3451

~~(10)~~(8) The applicant's financial responsibility, 3452  
experience, character, and general fitness command the 3453  
confidence of the public and warrant the belief that the 3454  
business will be operated honestly ~~and~~, fairly, and efficiently 3455  
in compliance with the purposes of ~~sections 1322.01 to 1322.12~~ 3456  
~~of the Revised Code~~ this chapter and the rules adopted 3457  
thereunder. The superintendent shall not use a credit score or a 3458  
bankruptcy as the sole basis for registration denial. 3459

(B) For purposes of determining whether an applicant that 3460  
is a partnership, corporation, or other business entity or 3461  
association has met the conditions set forth in divisions ~~(A)~~ 3462  
~~(7)~~, (A) (6) and (8), ~~and (A) (10)~~ of this section, the 3463  
superintendent shall determine which partners, shareholders, or 3464  
persons named in the application ~~pursuant to division (A) (2) of~~ 3465  
~~section 1322.03 of the Revised Code~~ must meet the those 3466  
~~conditions set forth in divisions (A) (7), (A) (8), and (A) (10) of~~ 3467  
~~this section~~. This determination shall be based on the extent 3468  
and nature of the partner's, shareholder's, or person's 3469  
ownership interest in the partnership, corporation, or other 3470  
business entity or association that is the applicant and on 3471  
whether the person is in a position to direct, control, or 3472  
adversely influence the operations of the applicant. 3473

(C) The certificate of registration issued pursuant to 3474  
division (A) of this section may be renewed annually on or 3475  
before the thirty-first day of December if the superintendent 3476  
finds that all of the following conditions are met: 3477

(1) The renewal application is accompanied by a 3478  
nonrefundable renewal fee of five hundred dollars for each 3479  
location of an office to be maintained by the applicant in 3480  
accordance with division (A) of section ~~1322.02~~ 1322.07 of the 3481

Revised Code and any fee required by the nationwide mortgage 3482  
licensing system and registry. If a check or other draft 3483  
instrument is returned to the superintendent for insufficient 3484  
funds, the superintendent shall notify the registrant by 3485  
certified mail, return receipt requested, that the certificate 3486  
of registration renewed in reliance on the check or other draft 3487  
instrument will be canceled unless the registrant, within thirty 3488  
days after receipt of the notice, submits the renewal fee and a 3489  
one-hundred-dollar penalty to the superintendent. If the 3490  
registrant does not submit the renewal fee and penalty within 3491  
that time period, or if any check or other draft instrument used 3492  
to pay the fee or penalty is returned to the superintendent for 3493  
insufficient funds, the certificate of registration shall be 3494  
canceled immediately without a hearing and the registrant shall 3495  
cease activity as a mortgage broker. 3496

(2) The operations manager designated under ~~division (A)~~ 3497  
~~(3) of section 1322.03-1322.12~~ of the Revised Code has 3498  
completed, at least eight hours of continuing education as 3499  
required under section ~~1322.052-1322.28~~ of the Revised Code. 3500

(3) The applicant meets the conditions set forth in 3501  
divisions (A) (2) to ~~(10)-(8)~~ of this section. 3502

(4) The applicant's ~~mortgage broker~~ certificate of 3503  
registration is not subject to an order of suspension or an 3504  
unpaid and past due fine imposed by the superintendent. 3505

(D) (1) Subject to division (D) (2) of this section, if a 3506  
renewal fee or additional fee required by the nationwide 3507  
mortgage licensing system and registry is received by the 3508  
superintendent after the thirty-first day of December, the 3509  
~~mortgage broker~~ certificate of registration shall not be 3510  
considered renewed, and the applicant shall cease activity as a 3511



mortgage lender or mortgage broker. 3512

(2) Division (D) (1) of this section shall not apply if the 3513  
applicant, ~~no~~ not later than ~~the thirty-first day of January-~~ 3514  
forty-five days after the renewal deadline, submits the renewal 3515  
fee or additional fee and a one-hundred-dollar penalty to the 3516  
superintendent. 3517

~~(E) If the person designated as the operations manager-~~ 3518  
~~pursuant to division (A) (3) of section 1322.03 of the Revised-~~ 3519  
~~Code is no longer the operations manager, the registrant shall-~~ 3520  
~~do all of the following:~~ 3521

~~(1) Within ninety days after the departure of the-~~ 3522  
~~designated operations manager, designate another person as the-~~ 3523  
~~operations manager;~~ 3524

~~(2) Within ten days after the designation described in-~~ 3525  
~~division (E) (1) of this section, notify the superintendent in-~~ 3526  
~~writing of the designation;~~ 3527

~~(3) Submit any additional information that the-~~ 3528  
~~superintendent requires to establish that the newly designated-~~ 3529  
~~operations manager complies with the requirements set forth in-~~ 3530  
~~section 1322.03 of the Revised Code.~~ 3531

~~(F) The registrant shall cease operations if it is without-~~ 3532  
~~an operations manager approved by the superintendent for more-~~ 3533  
~~than one hundred eighty days unless otherwise authorized in-~~ 3534  
~~writing by the superintendent due to exigent circumstances.~~ 3535

~~(G) Mortgage broker certificates~~ Certificates of 3536  
registration issued ~~on or after May 1, 2010,~~ under this chapter 3537  
annually expire on the thirty-first day of December. 3538

(F) The pardon or expungement of a conviction shall not be 3539

considered a conviction for purposes of this section. When 3540  
determining the eligibility of an applicant, the superintendent 3541  
may consider the underlying crime, facts, or circumstances 3542  
connected with a pardoned or expunged conviction. 3543

**Sec. 1322.12.** Each registrant or entity holding a valid 3544  
letter of exemption under division (B) (1) of section 1322.05 of 3545  
the Revised Code shall designate an employee or owner of that 3546  
registrant's business as the operations manager. The operations 3547  
manager shall be responsible for the management, supervision, 3548  
and control of a particular location. 3549

To be eligible for such a designation, an employee or 3550  
owner shall have at least three years of experience as a 3551  
mortgage loan originator or registered mortgage loan originator. 3552  
While acting as the operations manager, the employee or owner 3553  
shall be licensed as a mortgage loan originator under this 3554  
chapter and shall not be employed by any other mortgage lender 3555  
or mortgage broker. 3556

**Sec. ~~1322.073~~ 1322.15.** No person shall acquire, sell, 3557  
transfer, or hypothecate any interest in a registrant or an 3558  
applicant for a certificate of registration under this chapter 3559  
in order to obfuscate or conceal the true ownership or control 3560  
of the registrant or applicant. 3561

**Sec. ~~1322.021~~ 1322.16.** (A) A registrant that is a 3562  
corporation, limited liability company, partnership, trust, or 3563  
other business entity or association shall notify the division 3564  
of financial institutions of every sale, transfer, or 3565  
hypothecation of any stock, security, membership, partnership, 3566  
or other equitable, beneficial, or ownership interest in the 3567  
entity or association, if the interest represents at least a 3568  
five per cent membership, partnership, or other equitable, 3569

beneficial, or ownership interest in the entity or association. 3570

(B) Every person that acquires or otherwise receives an 3571  
interest described in division (A) of this section is subject to 3572  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter. 3573  
The division may make any investigation necessary to determine 3574  
whether any fact or condition exists that, if it had existed at 3575  
the time of the original application for a certificate of 3576  
registration, the fact or condition would have warranted the 3577  
division to deny the application under section ~~1322.04~~ 1322.10 3578  
of the Revised Code. If such a fact or condition is found, the 3579  
division may, in accordance with Chapter 119. of the Revised 3580  
Code, revoke the registrant's certificate. 3581

**Sec. ~~1322.065~~ 1322.17.** A person registered as ~~a mortgage~~ 3582  
~~broker under this chapter~~ solely to sell leads of potential 3583  
buyers to residential mortgage lenders or mortgage brokers, or 3584  
solely to match buyers with residential mortgage lenders or 3585  
mortgage brokers through a computerized loan origination system 3586  
recognized by the United States department of housing and urban 3587  
development, shall be required to make only those disclosures 3588  
under ~~sections 1322.01 to 1322.12 of the Revised Code~~ this 3589  
chapter that apply to the portion of the transaction during 3590  
which they have direct buyer contact, and shall be subject to 3591  
all fair conduct and prohibition requirements in their dealing 3592  
with buyers. 3593

**Sec. ~~1322.031~~ 1322.20.** (A) An application for a license as 3594  
a mortgage loan originator shall be in writing, under oath, and 3595  
in ~~the a~~ form prescribed by the superintendent of financial 3596  
institutions that complies with the requirements of the 3597  
nationwide mortgage licensing system and registry. The 3598  
application shall be accompanied by a nonrefundable application 3599

fee of one hundred fifty dollars and any additional fee required 3600  
by the nationwide mortgage licensing system and registry. 3601

(B) (1) The application shall provide evidence, acceptable 3602  
to the superintendent, that the applicant has successfully 3603  
completed at least twenty-four hours of pre-licensing 3604  
instruction consisting of all of the following: 3605

(a) Twenty hours of instruction in ~~a~~ an approved education 3606  
~~course or program of study reviewed and approved by the~~ 3607  
~~nationwide mortgage licensing system and registry;~~ 3608

(b) Four hours of instruction in a course or program of 3609  
study reviewed and approved by the superintendent concerning 3610  
~~state~~ Ohio lending laws and the Ohio consumer sales practices 3611  
act, Chapter 1345. of the Revised Code, as it applies to 3612  
registrants and licensees. 3613

(2) ~~Notwithstanding division (B) (1) of this section, until~~ 3614  
~~the nationwide mortgage licensing system and registry implements~~ 3615  
~~a review and approval program, the application shall provide~~ 3616  
~~evidence, as determined by the superintendent, that the~~ 3617  
~~applicant has successfully completed at least twenty four hours~~ 3618  
~~of instruction in a course or program of study approved by the~~ 3619  
~~superintendent that consists of at least all of the following:~~ 3620

~~(a) Four hours of instruction concerning state and federal~~ 3621  
~~mortgage lending laws, which shall include no less than two~~ 3622  
~~hours on this chapter;~~ 3623

~~(b) Four hours of instruction concerning the Ohio consumer~~ 3624  
~~sales practices act, Chapter 1345. of the Revised Code, as it~~ 3625  
~~applies to registrants and licensees;~~ 3626

~~(c) Four hours of instruction concerning the loan~~ 3627  
~~application process;~~ 3628

~~(d) Two hours of instruction concerning the underwriting process;~~ 3629  
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~~(e) Two hours of instruction concerning the secondary market for mortgage loans;~~ 3631  
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~~(f) Four hours of instruction concerning the loan closing process;~~ 3633  
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~~(g) Two hours of instruction covering basic mortgage financing concepts and terms;~~ 3635  
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~~(h) Two hours of instruction concerning the ethical responsibilities of a registrant and a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.~~ 3637  
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~~(3) For purposes of division (B)(1)(a) of this section, the review and approval of a course or program of study includes the review and approval of the provider of the course or program of study.~~ 3642  
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~~(4) If an applicant held a valid mortgage loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered mortgage loan originator shall not be taken into account.~~ 3646  
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~~(5)(3) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirement of this state.~~ 3652  
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(C) In addition to the information required under division 3658  
(B) of this section, the application shall provide both of the 3659  
following: 3660

(1) Evidence that the applicant passed a written test that 3661  
meets the requirements described in section ~~1322.051~~ 1322.27 of 3662  
the Revised Code; 3663

(2) Any further information that the superintendent 3664  
requires. 3665

(D) Upon the filing of the application and payment of the 3666  
application fee and any fee required by the nationwide mortgage 3667  
licensing system and registry, the superintendent of financial 3668  
institutions shall investigate the applicant ~~as set forth in~~ 3669  
~~division (D) of this section.~~ 3670

~~(1) (a) Notwithstanding division (K) of section 121.08 of~~ 3671  
~~the Revised Code, the superintendent shall obtain a criminal~~ 3672  
~~history records check and, as part of the records check, request~~ 3673  
~~that criminal record information from the federal bureau of~~ 3674  
~~investigation be obtained. To fulfill this requirement, the~~ 3675  
~~superintendent shall do either of the following:~~ 3676

~~(i) Request the superintendent of the bureau of criminal~~ 3677  
~~identification and investigation, or a vendor approved by the~~ 3678  
~~bureau, to conduct a criminal records check based on the~~ 3679  
~~applicant's fingerprints or, if the fingerprints are unreadable,~~ 3680  
~~based on the applicant's social security number, in accordance~~ 3681  
~~with section 109.572 of the Revised Code;~~ 3682

~~(ii) Authorize the nationwide mortgage licensing system~~ 3683  
~~and registry to request a criminal history background check.~~ 3684

~~(b) Any fee required under division (C) (3) of section~~ 3685  
~~109.572 of the Revised Code or by the nationwide mortgage~~ 3686

~~licensing system and registry shall be paid by the applicant.~~ 3687

~~(2) The~~. As part of that investigation, the 3688  
superintendent shall conduct a civil records check. 3689

~~(3)~~If, in order to issue a license to an applicant, 3690  
additional investigation by the superintendent outside this 3691  
state is necessary, the superintendent may require the applicant 3692  
to advance sufficient funds to pay the actual expenses of the 3693  
investigation, if it appears that these expenses will exceed ~~one~~ 3694  
five hundred fifty dollars. The superintendent shall provide the 3695  
applicant with an itemized statement of the actual expenses that 3696  
the applicant is required to pay. 3697

(E) ~~(1)~~ In connection with applying for a loan originator 3698  
license, the applicant shall furnish to the nationwide mortgage 3699  
licensing system and registry ~~the following~~ information 3700  
concerning the applicant's identity, including all of the 3701  
following: 3702

~~(a)~~ (1) The applicant's fingerprints for submission to the 3703  
federal bureau of investigation, and any other governmental 3704  
agency or entity authorized to receive such information, for 3705  
purposes of a state, national, and international criminal 3706  
history background check; 3707

~~(b)~~ (2) Personal history and experience in a form 3708  
prescribed by the nationwide mortgage licensing system and 3709  
registry, along with authorization for the superintendent and 3710  
the nationwide mortgage licensing system and registry to obtain 3711  
both of the following: 3712

~~(i)~~ (a) An independent credit report from a consumer 3713  
reporting agency; 3714

~~(ii)~~ (b) Information related to any administrative, civil, 3715

or criminal findings by any governmental jurisdiction. 3716

~~(2) In order to effectuate the purposes of divisions (E) 3717  
(1)(a) and (E) (1) (b) (ii) of this section, the superintendent may 3718  
use the conference of state bank supervisors, or a wholly owned 3719  
subsidiary, as a channeling agent for requesting information 3720  
from and distributing information to the United States 3721  
department of justice or any other governmental agency. The 3722  
superintendent may also use the nationwide mortgage licensing 3723  
system and registry as a channeling agent for requesting 3724  
information from and distributing information to any source 3725  
related to matters subject to those divisions of this section. 3726~~

(F) The superintendent shall pay all funds advanced and 3727  
application and renewal fees and penalties the superintendent 3728  
receives pursuant to this section and section ~~1322.041~~ 1322.21 3729  
of the Revised Code to the treasurer of state to the credit of 3730  
the consumer finance fund created in section 1321.21 of the 3731  
Revised Code. 3732

(G) If an application for a mortgage loan originator 3733  
license does not contain all of the information required under 3734  
this section, and if that information is not submitted to the 3735  
superintendent or to the nationwide mortgage licensing system 3736  
and registry within ninety days after the superintendent or the 3737  
nationwide mortgage licensing system and registry requests the 3738  
information in writing, including by electronic transmission or 3739  
facsimile, the superintendent may consider the application 3740  
withdrawn. 3741

~~(H) (1) The business of a loan originator shall principally 3742  
be transacted at an office of the mortgage broker with whom the 3743  
licensee is employed or associated, which office is registered 3744  
in accordance with division (A) of section 1322.02 of the 3745~~



~~Revised Code. Each original loan originator license shall be  
deposited with and maintained by the mortgage broker at the  
mortgage broker's main office. A copy of the license shall be  
maintained and displayed at the office where the loan originator  
principally transacts business.~~

~~(2) If a loan originator's employment or association is  
terminated for any reason, the mortgage broker shall return the  
original loan originator license to the superintendent within  
five business days after the termination. The licensee may  
request the transfer of the license to another mortgage broker  
by submitting a transfer application, along with a fifteen  
dollar fee and any fee required by the national mortgage  
licensing system and registry, to the superintendent or may  
request the superintendent in writing to hold the license in  
escrow. Any licensee whose license is held in escrow shall cease  
activity as a loan originator. A licensee whose license is held  
in escrow shall be required to apply for renewal annually and to  
comply with the annual continuing education requirement.~~

~~(3) A mortgage broker may employ or be associated with a  
loan originator on a temporary basis pending the transfer of the  
loan originator's license to the mortgage broker, if the  
mortgage broker receives written confirmation from the  
superintendent that the loan originator is licensed under  
sections 1322.01 to 1322.12 of the Revised Code.~~

~~(4) Notwithstanding divisions (H) (1) to (3) of this  
section, if a licensee is employed by or associated with a  
person or entity listed in division (G) (2) of section 1322.01 of  
the Revised Code, all of the following apply:~~

~~(a) The licensee shall maintain and display the original  
loan originator license at the office where the licensee~~

~~principally transacts business;~~ 3776

~~(b) If the loan originator's employment or association is terminated, the loan originator shall return the original loan originator license to the superintendent within five business days after termination. The licensee may request the transfer of the license to a mortgage broker or another person or entity listed in division (G) (2) of section 1322.01 of the Revised Code by submitting a transfer application, along with a fifteen dollar fee and any fee required by the national mortgage licensing system and registry, to the superintendent or may request the superintendent in writing to hold the license in escrow. A licensee whose license is held in escrow shall cease activity as a loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement.~~ 3777  
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~~(c) The licensee may seek to be employed or associated with a mortgage broker or person or entity listed in division (G) (2) of section 1322.01 of the Revised Code if the mortgage broker or person or entity receives written confirmation from the superintendent that the loan originator is licensed under sections 1322.01 to 1322.12 of the Revised Code.~~ 3791  
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~~(I) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licenses or the persons associated with a licensee.~~ 3797  
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(2) For purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain, the division of financial institutions may use the 3803  
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nationwide mortgage licensing system and registry as a 3806  
channeling agent for requesting information from and 3807  
distributing information to the United States department of 3808  
justice or other governmental agencies. 3809

(3) For purposes of this section and to reduce the points 3810  
of contact that the division may have to maintain, the division 3811  
may use the nationwide mortgage licensing system and registry as 3812  
a channeling agent for requesting information from and 3813  
distributing information to any source as determined by the 3814  
division. 3815

~~(J)~~(I) A mortgage loan originator license, or the 3816  
authority granted under that license, is not assignable ~~and~~ 3817  
~~cannot be franchised by contract or any other means or~~ 3818  
transferable. 3819

**Sec. ~~1322.041~~ 1322.21.** (A) Upon the conclusion of the 3820  
investigation required under division ~~(D)~~(C) of section 3821  
~~1322.031~~1322.20 of the Revised Code, the superintendent of 3822  
financial institutions shall issue a mortgage loan originator 3823  
license to the applicant if the superintendent finds that the 3824  
following conditions are met: 3825

(1) The application is accompanied by the application fee 3826  
and any fee required by the nationwide mortgage licensing system 3827  
and registry. 3828

(a) If a check or other draft instrument is returned to 3829  
the superintendent for insufficient funds, the superintendent 3830  
shall notify the applicant by certified mail, return receipt 3831  
requested, that the application will be withdrawn unless the 3832  
applicant, within thirty days after receipt of the notice, 3833  
submits the application fee and a one-hundred-dollar penalty to 3834

the superintendent. If the applicant does not submit the 3835  
application fee and penalty within that time period, or if any 3836  
check or other draft instrument used to pay the fee or penalty 3837  
is returned to the superintendent for insufficient funds, the 3838  
application shall be withdrawn. 3839

(b) If a check or other draft instrument is returned to 3840  
the superintendent for insufficient funds after the license has 3841  
been issued, the superintendent shall notify the licensee by 3842  
certified mail, return receipt requested, that the license 3843  
issued in reliance on the check or other draft instrument will 3844  
be canceled unless the licensee, within thirty days after 3845  
receipt of the notice, submits the application fee and a one- 3846  
hundred-dollar penalty to the superintendent. If the licensee 3847  
does not submit the application fee and penalty within that time 3848  
period, or if any check or other draft instrument used to pay 3849  
the fee or penalty is returned to the superintendent for 3850  
insufficient funds, the license shall be canceled immediately 3851  
without a hearing, and the licensee shall cease activity as a 3852  
loan originator. 3853

(2) ~~The applicant complies with sections 1322.01 to~~ 3854  
~~1322.12 of the Revised Code and the rules adopted thereunder~~ has 3855  
not made a material misstatement of fact or material omission of 3856  
fact in the application. 3857

(3) The applicant has not been convicted of or pleaded 3858  
guilty or nolo contendere to any of the following in a domestic, 3859  
foreign, or military court: 3860

(a) During the seven-year period immediately preceding the 3861  
date of application for the license, a misdemeanor involving 3862  
theft or any felony; 3863

(b) At any time prior to the date the application for the license is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.

~~(4) Based on the totality of the circumstances and information submitted in the application, the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant is of good business repute, appears qualified to act as a loan originator, has fully complied with sections 1322.01 to 1322.12 of the Revised Code and the rules adopted thereunder, and meets all of the conditions for issuing a loan originator license.~~

~~(5) The applicant successfully completed the written test required by section 1322.051 of the Revised Code and completed the prelicensing instruction set forth in division (B) of section ~~1322.031~~ 1322.20 of the Revised Code.~~

~~(6)~~ (5) The applicant's financial responsibility, character, and general fitness 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 ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter. The superintendent shall not use a credit score or bankruptcy as the sole basis for a license denial.

~~(7)~~ (6) The applicant is in compliance with the surety bond requirements of section ~~1322.05~~ 1322.32 of the Revised Code.

~~(8)~~ (7) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction.

(B) The license issued under division (A) of this section

may be renewed annually on or before the thirty-first day of 3893  
December if the superintendent finds that all of the following 3894  
conditions are met: 3895

(1) The renewal application is accompanied by a 3896  
nonrefundable renewal fee of one hundred fifty dollars and any 3897  
fee required by the nationwide mortgage licensing system and 3898  
registry. If a check or other draft instrument is returned to 3899  
the superintendent for insufficient funds, the superintendent 3900  
shall notify the licensee by certified mail, return receipt 3901  
requested, that the license renewed in reliance on the check or 3902  
other draft instrument will be canceled unless the licensee, 3903  
within thirty days after receipt of the notice, submits the 3904  
renewal fee and a one-hundred-dollar penalty to the 3905  
superintendent. If the licensee does not submit the renewal fee 3906  
and penalty within that time period, or if any check or other 3907  
draft instrument used to pay the fee or penalty is returned to 3908  
the superintendent for insufficient funds, the license shall be 3909  
canceled immediately without a hearing, and the licensee shall 3910  
cease activity as a loan originator. 3911

(2) The applicant has completed at least eight hours of 3912  
continuing education as required under section ~~1322.052~~1322.28 3913  
of the Revised Code. 3914

(3) The applicant meets the conditions set forth in 3915  
divisions (A) (2) to ~~(8)~~(7) of this section; ~~provided, however,~~ 3916  
~~that an applicant who was issued a loan officer license prior to~~ 3917  
~~January 1, 2010, and has continuously maintained that license~~ 3918  
~~shall not be required to meet the condition described in~~ 3919  
~~division (B) (1) (b) of section 1322.031 of the Revised Code.~~ 3920

(4) The applicant's license is not subject to an order of 3921  
suspension or an unpaid and past due fine imposed by the 3922

superintendent. 3923

(C) (1) Subject to division (C) (2) of this section, if a 3924  
license renewal application ~~or renewal fee~~, including any fee 3925  
required by the nationwide mortgage licensing system and 3926  
registry, is received by the superintendent after the thirty- 3927  
first day of December, the license shall not be considered 3928  
renewed, and the applicant shall cease activity as a mortgage 3929  
loan originator. 3930

(2) Division (C) (1) of this section shall not apply if the 3931  
applicant, ~~no not later than the thirty-first day of January-~~ 3932  
forty-five days after the renewal deadline, submits the renewal 3933  
application and any other required fees and a one-hundred-dollar 3934  
penalty to the superintendent. 3935

(D) ~~Loan-Mortgage~~ originator licenses ~~issued on or after~~ 3936  
~~May 1, 2010~~, annually expire on the thirty-first day of 3937  
December. 3938

(E) The pardon or expungement of a conviction shall not be 3939  
considered a conviction for purposes of this section. When 3940  
determining the eligibility of an applicant, the superintendent 3941  
may consider the underlying crime, facts, or circumstances 3942  
connected with a pardoned or expunged conviction. 3943

**Sec. ~~1322.042~~ 1322.24.** (A) As used in this section: 3944

(1) "Out-of-state mortgage loan originator" means an 3945  
individual to whom both of the following apply: 3946

(a) The individual holds a valid mortgage loan originator 3947  
license, or comparable authority, issued pursuant to the law of 3948  
any other state of the United States. 3949

(b) The individual is registered, fingerprinted, and 3950

maintains a unique identifier through the nationwide mortgage 3951  
licensing system and registry. 3952

(2) "Sponsor" means a registrant ~~or entity described in~~ 3953  
~~division (C) (2) of section 1322.01 of the Revised Code that~~ 3954  
employs or is associated with an applicant for a temporary 3955  
mortgage loan originator license and, during the term of the 3956  
applicant's temporary license, covers the applicant under its 3957  
corporate surety bond or requires the applicant to obtain and 3958  
maintain a corporate surety bond. 3959

(B) The superintendent of financial institutions may, in 3960  
accordance with this section, issue to an out-of-state mortgage 3961  
loan originator a temporary mortgage loan originator license 3962  
that enables the licensee to engage in the business of a 3963  
mortgage loan originator while the individual completes the 3964  
requirements necessary to meet the conditions set forth in 3965  
section ~~1322.041~~-1322.21 of the Revised Code for a mortgage loan 3966  
originator license. A temporary mortgage loan originator license 3967  
shall be valid for a term of not more than one hundred twenty 3968  
days from the date of issuance. A temporary mortgage loan 3969  
originator license may not be renewed. 3970

(C) An application for a temporary mortgage loan 3971  
originator license shall be in writing, under oath, and in a 3972  
form that meets the requirements of the nationwide mortgage 3973  
licensing system and registry. The application shall be 3974  
accompanied by a nonrefundable application fee, the amount of 3975  
which shall be determined by the superintendent in rule, and a 3976  
certification that, as of the date of application, the applicant 3977  
meets the following conditions: 3978

(1) The applicant has at least two years of experience in 3979  
the field of residential mortgage lending in the five years 3980



immediately preceding the date of application for the temporary  
mortgage loan originator license. 3981  
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(2) The applicant has not previously applied for a 3983  
temporary mortgage loan originator license in this state. 3984

(3) The applicant has not had a mortgage loan originator 3985  
license, or comparable authority, revoked in any governmental 3986  
jurisdiction. For purposes of division (C)(3) of this section, a 3987  
subsequent formal vacation of such a revocation shall not be 3988  
considered a revocation. 3989

(4) The applicant has not been convicted of, or pleaded 3990  
guilty or nolo contendere to, any of the following in a 3991  
domestic, foreign, or military court: 3992

(a) During the seven-year period immediately preceding the 3993  
date of application, a misdemeanor involving theft or any 3994  
felony; 3995

(b) At any time prior to the date of application, a felony 3996  
involving an act of fraud, dishonesty, a breach of trust, theft, 3997  
or money laundering. 3998

For purposes of division (C)(4) of this section, any 3999  
conviction for which the applicant has received a pardon shall 4000  
not be considered a conviction. 4001

(D) The superintendent shall issue a temporary mortgage 4002  
loan originator license to the applicant if the superintendent 4003  
finds that all of the following conditions are met: 4004

(1) The application is accompanied by the application fee 4005  
and the certification described in division (C) of this section. 4006

(2) The applicant is registered, fingerprinted, and has a 4007  
valid unique identifier through the nationwide mortgage 4008

licensing system and registry as of the date of application. 4009

(3) The applicant has authorized the nationwide mortgage 4010  
licensing system and registry to obtain a credit report for 4011  
submission to the superintendent. 4012

(4) The applicant has a sponsor that certifies employment 4013  
of, or association with, the applicant and has signed the 4014  
application. 4015

(E) The sponsor of a temporary licensee shall have an 4016  
affirmative duty to supervise the conduct of ~~each the~~ temporary 4017  
~~loan originator licensee~~ in the same manner as is required of 4018  
its other licensees. If the temporary licensee's employment or 4019  
association with the sponsor is terminated, the sponsor shall 4020  
notify the division of financial institutions of the termination 4021  
through the nationwide mortgage licensing system and registry. 4022  
Upon the division's receipt of the notice, the sponsor shall no 4023  
longer be held responsible for the conduct of the temporary 4024  
licensee. 4025

~~(F) The superintendent may, in accordance with Chapter~~ 4026  
~~119. of the Revised Code, adopt rules necessary for the~~ 4027  
~~implementation and operation of this section.~~ 4028

**Sec. ~~1322.043~~ 1322.25.** If the "Secure and Fair Enforcement 4029  
for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 4030  
5101, as amended, is modified after the effective date of this 4031  
section amendment, or any regulation, statement, or position is 4032  
adopted under that act, to permit states to issue a temporary 4033  
mortgage loan originator license to a registered loan 4034  
originator, the superintendent shall, in accordance with section 4035  
111.15 of the Revised Code, adopt rules the superintendent 4036  
considers necessary and appropriate to issue a temporary license 4037

to a registered loan originator. 4038

~~Sec. 1322.051~~ 1322.27. Each ~~person designated under~~ 4039  
~~division (A) (3) of section 1322.03 of the Revised Code to act as~~ 4040  
~~operations manager for a mortgage broker business and each~~ 4041  
applicant for a mortgage loan originator license shall submit to 4042  
a written test that is developed and approved by the nationwide 4043  
mortgage licensing system and registry and administered by ~~a~~ an 4044  
approved test provider ~~approved by the nationwide mortgage~~ 4045  
~~licensing system and registry based on reasonable standards.~~ 4046

(A) The test shall adequately measure the ~~designee's or~~ 4047  
applicant's knowledge and comprehension in appropriate subject 4048  
areas, including ethics, federal and state law related to 4049  
mortgage origination, fraud, consumer protection, and the 4050  
nontraditional mortgage marketplace, and fair lending issues. 4051

(B) An individual shall not be considered to have passed 4052  
the written test unless the individual answers at least seventy- 4053  
five per cent of the questions correctly. 4054

(C) An individual may retake the test three consecutive 4055  
times provided the period between taking the tests is at least 4056  
thirty days. If an individual fails three consecutive tests, the 4057  
individual shall be required to wait at least six months before 4058  
taking the test again. 4059

(D) If a mortgage loan originator fails to maintain a 4060  
valid mortgage loan originator license for a period of five 4061  
years or longer, the individual shall be required to retake the 4062  
test. 4063

For this purpose, any time during which the individual is 4064  
a registered mortgage loan originator shall not be taken into 4065  
account. 4066

~~Sec. 1322.052~~ 1322.28. (A) Each licensee ~~and each person~~ 4067  
~~designated under division (A) (3) of section 1322.03 of the~~ 4068  
~~Revised Code to act as operations manager for a mortgage broker~~ 4069  
~~business~~ shall complete at least eight hours of continuing 4070  
education every calendar year. To fulfill this requirement, the 4071  
eight hours of continuing education must be offered in a course 4072  
or program of study reviewed and approved by the ~~nationwide~~ 4073  
~~mortgage licensing system and registry superintendent of~~ 4074  
financial institutions. The course or program of study shall 4075  
include all of the following: 4076

(1) Three hours of applicable federal law and regulations; 4077

(2) Two hours of ethics, which shall include instruction 4078  
on fraud, consumer protection, and fair lending issues; 4079

(3) Two hours of training related to lending standards for 4080  
non-qualified mortgages, as defined in 12 C.F.R. 1026.43, or the 4081  
nontraditional mortgage product marketplace. 4082

(B) Continuing education courses shall be reviewed and 4083  
approved by the nationwide mortgage licensing system and 4084  
registry based upon reasonable standards. 4085

(C) The following conditions shall apply to the continuing 4086  
education required by this section: 4087

(1) An individual cannot take the same approved course in 4088  
the same or successive years to meet the annual requirement for 4089  
continuing education. 4090

(2) An individual can only receive credit for a continuing 4091  
education course in the year in which the course is taken, 4092  
unless the individual is making up a deficiency in continuing 4093  
education as permitted by rule or order of the superintendent ~~of~~ 4094  
~~financial institutions~~. 4095

(3) A licensee who subsequently becomes unlicensed must 4096  
complete the continuing education requirement for the last year 4097  
in which the license was held prior to the issuance of a new or 4098  
renewed license. 4099

(4) A licensee who is approved as an instructor of a 4100  
continuing education course receives credit for the licensee's 4101  
own annual continuing education requirement at the rate of two 4102  
credit hours for every one hour taught. 4103

(5) If an individual successfully completed a continuing 4104  
education course reviewed and approved by the nationwide 4105  
mortgage licensing system and registry as required by another 4106  
state, the individual can receive credit toward completion of 4107  
the continuing education requirement of this state. 4108

~~(D) Notwithstanding division (A) of this section, until 4109  
the nationwide mortgage licensing system and registry implements 4110  
a review and approval process, each licensee or person 4111  
designated under division (A) (3) of section 1322.03 of the 4112  
Revised Code shall provide evidence that the licensee or person 4113  
has successfully completed at least eight hours of continuing 4114  
education in a course or program of study approved by the 4115  
superintendent of financial institutions. 4116~~

**Sec. 1322.29.** (A) A registrant or entity holding a valid 4117  
letter of exemption under division (B) (1) of section 1322.05 of 4118  
the Revised Code shall supervise all business of a mortgage loan 4119  
originator conducted at the principal office, any branch office, 4120  
or other location used by the individual mortgage loan 4121  
originator. 4122

(B) If a mortgage loan originator's employment or 4123  
association is terminated for any reason, the licensee may 4124

request the transfer of the license to another mortgage lender 4125  
or mortgage broker by submitting a transfer application, along 4126  
with a fifteen-dollar fee and any fee required by the national 4127  
mortgage licensing system and registry, to the superintendent of 4128  
financial institutions or may request the superintendent in 4129  
writing to hold the license in escrow. Any licensee whose 4130  
license is held in escrow shall cease activity as a mortgage 4131  
loan originator. A licensee whose license is held in escrow 4132  
shall be required to apply for renewal annually and to comply 4133  
with the annual continuing education requirement. 4134

(C) A registrant may employ or be associated with a 4135  
mortgage loan originator on a temporary basis pending the 4136  
transfer of the mortgage loan originator's license to the 4137  
registrant, if the registrant receives written confirmation from 4138  
the superintendent that the mortgage loan originator is licensed 4139  
under this chapter. 4140

(D) Notwithstanding divisions (A) to (C) of this section, 4141  
if a licensee is employed by or associated with a person or 4142  
entity holding a valid letter of exemption under division (B) (1) 4143  
of section 1322.05 of the Revised Code, all of the following 4144  
apply: 4145

(1) The licensee shall maintain and display a copy of the 4146  
mortgage loan originator license at the office where the 4147  
licensee principally transacts business. 4148

(2) If the mortgage loan originator's employment or 4149  
association is terminated, the mortgage loan originator shall 4150  
notify the superintendent within five business days after 4151  
termination. The licensee may request the transfer of the 4152  
license to another person or entity holding a valid letter of 4153  
exemption under division (B) (1) of section 1322.05 of the 4154

Revised Code by submitting a transfer application, along with a 4155  
fifteen-dollar fee and any fee required by the national mortgage 4156  
licensing system and registry, to the superintendent or may 4157  
request the superintendent in writing to hold the license in 4158  
escrow. A licensee whose license is held in escrow shall cease 4159  
activity as a mortgage loan originator. A licensee whose license 4160  
is held in escrow shall be required to apply for renewal 4161  
annually and to comply with the annual continuing education 4162  
requirement. 4163

(E) A licensee may seek to be employed by or associated 4164  
with a registrant or a person or entity holding a valid letter 4165  
of exemption under division (B)(1) of section 1322.05 of the 4166  
Revised Code, if the mortgage lender, mortgage broker, or person 4167  
or entity receives written confirmation from the superintendent 4168  
that the mortgage loan originator is licensed under this 4169  
chapter. 4170

Sec. 1322.30. A registrant may contract for and receive 4171  
interest at any rate or rates agreed upon or consented to by the 4172  
parties to the dwelling secured loan or mortgage, but not 4173  
exceeding an annual percentage rate of twenty-five per cent. 4174

Sec. ~~1322.05~~ 1322.32. (A) (1) No registrant shall conduct 4175  
business in this state, unless the registrant has obtained and 4176  
maintains in effect at all times a corporate surety bond issued 4177  
by a bonding company or insurance company authorized to do 4178  
business in this state. The bond shall be in favor of the 4179  
superintendent of financial institutions and in the penal sum of 4180  
one-half per cent of the aggregate loan amount of residential 4181  
mortgage loans originated in the immediately preceding calendar 4182  
year, but not exceeding one hundred fifty thousand dollars. 4183  
Under no circumstances, however, shall the bond be less than 4184

fifty thousand dollars and an additional penal sum of ten 4185  
thousand dollars for each location, in excess of one, at which 4186  
the registrant conducts business. The term of the bond shall 4187  
coincide with the term of registration. A copy of the bond shall 4188  
be filed with the superintendent. The bond shall be for the 4189  
exclusive benefit of any buyer injured by a violation by an 4190  
employee of the registrant, mortgage loan originator employed by 4191  
or associated with the registrant, or registrant of any 4192  
provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4193  
this chapter or any rule adopted thereunder. The aggregate 4194  
liability of the corporate surety for any and all breaches of 4195  
the conditions of the bond shall not exceed the penal sum of the 4196  
bond. 4197

(2) (a) No licensee who is employed by or associated with a 4198  
person or entity ~~listed in holding a valid letter of exemption~~ 4199  
under division (C) (2) (B) (1) of section 1322.01-1322.05 of the 4200  
Revised Code shall conduct business in this state, unless either 4201  
the licensee or the person or entity on the licensee's behalf 4202  
has obtained and maintains in effect at all times a corporate 4203  
surety bond issued by a bonding company or insurance company 4204  
authorized to do business in this state. The bond shall be in 4205  
favor of the superintendent of financial institutions and in the 4206  
penal sum of one-half per cent of the aggregate loan amount of 4207  
residential mortgage loans originated in the immediately 4208  
preceding calendar year, but not exceeding one hundred thousand 4209  
dollars. Under no circumstances, however, shall the bond be less 4210  
than fifty thousand dollars. The term of the bond shall coincide 4211  
with the term of licensure. A copy of the bond shall be filed 4212  
with the superintendent. The bond shall be for the exclusive 4213  
benefit of any buyer injured by a violation by the licensee of 4214  
any provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4215



this chapter or any rule adopted thereunder. The aggregate 4216  
liability of the corporate surety for any and all breaches of 4217  
the conditions of the bond shall not exceed the penal sum of the 4218  
bond. 4219

(b) Licensees covered by a corporate surety bond obtained 4220  
by a registrant, or by a person or entity ~~listed in holding a~~ 4221  
valid letter of exemption under division (G) (2) (B) (1) of 4222  
section ~~1322.01-1322.05~~ of the Revised Code, they are employed 4223  
by or associated with shall not be required to obtain an 4224  
individual bond. 4225

(B) (1) (a) The registrant shall give notice to the 4226  
superintendent by certified mail of any action that is brought 4227  
by a buyer against the registrant, mortgage loan originator, or 4228  
employee alleging injury by a violation of any provision of 4229  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter or 4230  
any rule adopted thereunder, and of any judgment that is entered 4231  
against the registrant, mortgage loan originator, or employee by 4232  
a buyer injured by a violation of any provision of ~~sections~~ 4233  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter or any rule 4234  
adopted thereunder. The notice shall provide details sufficient 4235  
to identify the action or judgment, and shall be filed with the 4236  
superintendent within ten days after the commencement of the 4237  
action or notice to the registrant of entry of a judgment. 4238

(b) The licensee shall give notice to the superintendent 4239  
by certified mail of any action that is brought by a buyer 4240  
against the licensee alleging injury by a violation of any 4241  
provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4242  
this chapter or any rule adopted thereunder, and of any judgment 4243  
that is entered against the licensee by a buyer injured by a 4244  
violation of any provision of ~~sections 1322.01 to 1322.12 of the~~ 4245

~~Revised Code~~ this chapter or any rule adopted thereunder. The 4246  
notice shall provide details sufficient to identify the action 4247  
or judgment, and shall be filed with the superintendent within 4248  
ten days after the commencement of the action or notice to the 4249  
licensee of entry of a judgment. A person or entity ~~listed in~~ 4250  
holding a valid letter of exemption under division ~~(G) (2)~~ (B) (1) 4251  
of section ~~1322.01-1322.05~~ of the Revised Code that secures 4252  
bonding for the licensees employed by or associated with the 4253  
person or entity shall report such actions or judgments in the 4254  
same manner as is required of registrants. 4255

(2) A corporate surety, within ten days after it pays any 4256  
claim or judgment, shall give notice to the superintendent by 4257  
certified mail of the payment, with details sufficient to 4258  
identify the person and the claim or judgment paid. 4259

(C) Whenever the penal sum of the corporate surety bond is 4260  
reduced by one or more recoveries or payments, the registrant or 4261  
licensee shall furnish a new or additional bond under this 4262  
section, so that the total or aggregate penal sum of the bond or 4263  
bonds equals the sum required by this section, or shall furnish 4264  
an endorsement executed by the corporate surety reinstating the 4265  
bond to the required penal sum of it. 4266

(D) The liability of the corporate surety on the bond to 4267  
the superintendent and to any buyer injured by a violation of 4268  
any provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4269  
this chapter or any rule adopted thereunder shall not be 4270  
affected in any way by any misrepresentation, breach of 4271  
warranty, or failure to pay the premium, by any act or omission 4272  
upon the part of the registrant or licensee, by the insolvency 4273  
or bankruptcy of the registrant or licensee, or by the 4274  
insolvency of the registrant's or licensee's estate. The 4275

liability for any act or omission that occurs during the term of 4276  
the corporate surety bond shall be maintained and in effect for 4277  
at least two years after the date on which the corporate surety 4278  
bond is terminated or canceled. 4279

(E) The corporate surety bond shall not be canceled by the 4280  
registrant, the licensee, or the corporate surety except upon 4281  
notice to the superintendent by certified mail, return receipt 4282  
requested. The cancellation shall not be effective prior to 4283  
thirty days after the superintendent receives the notice. 4284

(F) No registrant or licensee employed by or associated 4285  
with a person or entity ~~listed in holding a valid letter of~~ 4286  
~~exemption under division (G) (2) (B) (1) of section 1322.01-~~ 4287  
1322.05 of the Revised Code shall fail to comply with this 4288  
section. Any registrant or licensee that fails to comply with 4289  
this section shall cease all mortgage lender, mortgage broker, 4290  
or mortgage loan originator activity in this state until the 4291  
registrant or licensee complies with this section. 4292

**Sec. ~~1322.06~~ 1322.34.** (A) As often as the superintendent 4293  
of financial institutions considers it necessary, the 4294  
superintendent may examine the registrant's or licensee's 4295  
records, including all records created or processed by a 4296  
licensee, pertaining to business transacted pursuant to ~~sections~~ 4297  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter. 4298

(B) A registrant or licensee shall maintain records 4299  
pertaining to business transacted pursuant to ~~sections 1322.01-~~ 4300  
~~to 1322.12 of the Revised Code, including copies of all mortgage-~~ 4301  
~~loan origination disclosure statements prepared in accordance-~~ 4302  
~~with section 1322.062 of the Revised Code, this chapter~~ for four 4303  
years. For purposes of this division, "registrant or licensee" 4304  
includes any person whose certificate of registration or license 4305

is cancelled, surrendered, or revoked or who otherwise ceases to 4306  
engage in business as a mortgage lender, mortgage broker, or 4307  
mortgage loan originator. 4308

No registrant or licensee shall fail to comply with this 4309  
division. 4310

(C) Each registrant ~~and~~, licensee, and entity holding a 4311  
valid letter of exemption under division (B) (1) of section 4312  
1322.05 of the Revised Code shall submit to the nationwide 4313  
mortgage licensing system and registry call reports or other 4314  
reports of condition, which reports shall be in such form and 4315  
shall contain such information as the nationwide mortgage 4316  
licensing system and registry may require. Each registrant and 4317  
entity holding a valid letter of exemption under division (B) (1) 4318  
of section 1322.05 of the Revised Code shall ensure that all 4319  
residential mortgage loans that are consummated as a result of a 4320  
mortgage loan originator's loan origination activities are 4321  
included in the report of condition submitted to the nationwide 4322  
mortgage licensing system and registry. 4323

~~(D) (1) As required by the superintendent, each registrant~~ 4324  
~~shall file with the division of financial institutions an annual~~ 4325  
~~report under oath or affirmation, on forms supplied by the~~ 4326  
~~division, concerning the business and operations of the~~ 4327  
~~registrant for the preceding calendar year. If a registrant~~ 4328  
~~operates two or more registered offices, or two or more~~ 4329  
~~affiliated registrants operate registered offices, a composite~~ 4330  
~~report of the group of registered offices may be filed in lieu~~ 4331  
~~of individual reports. For purposes of compliance with this~~ 4332  
~~requirement, the superintendent may accept call reports or other~~ 4333  
~~reports of condition submitted to the nationwide mortgage~~ 4334  
~~licensing system and registry in lieu of the annual report.~~ 4335

~~(2) The superintendent shall publish annually an analysis of the information required under division (D) (1) of this section, but the individual reports, whether filed with the superintendent or the nationwide mortgage licensing system and registry, shall not be public records and shall not be open to public inspection or otherwise be subject to section 149.43 of the Revised Code. Any document or record that is required to be signed and that is filed in this state as an electronic record through the nationwide mortgage licensing system and registry, and any other electronic record filed through the nationwide mortgage licensing system and registry, shall be considered a valid original document upon reproduction to paper form by the division of financial institutions.~~

**Sec. ~~1322.072~~ 1322.35.** No person, in connection with any examination or investigation conducted by the superintendent of financial institutions ~~under sections 1322.01 to 1322.12 of the Revised Code~~ this chapter, shall knowingly do any of the following:

(A) Circumvent, interfere with, obstruct, or fail to cooperate, including making a false or misleading statement, failing to produce records, or intimidating or suborning any witness;

(B) Tamper with, alter, or manufacture any evidence;

(C) Withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

**Sec. ~~1322.061~~ 1322.36.** (A) (1) The following information is confidential:

(a) Examination information, and any information leading

to or arising from an examination; 4365

(b) Investigation information, and any information arising 4366  
from or leading to an investigation. 4367

(2) The information described in division (A)(1) of this 4368  
section shall remain confidential for all purposes except when 4369  
it is necessary for the superintendent of financial institutions 4370  
to take official action regarding the affairs of a registrant or 4371  
licensee, or in connection with criminal or civil proceedings to 4372  
be initiated by a prosecuting attorney or the attorney general. 4373  
This information may also be introduced into evidence or 4374  
disclosed when and in the manner authorized by section 1181.25 4375  
of the Revised Code. 4376

(B) All application information, except social security 4377  
numbers, employer identification numbers, financial account 4378  
numbers, the identity of the institution where financial 4379  
accounts are maintained, personal financial information, 4380  
fingerprint cards and the information contained on such cards, 4381  
and criminal background information, is a public record as 4382  
defined in section 149.43 of the Revised Code. 4383

(C) This section does not prevent the division of 4384  
financial institutions from releasing to or exchanging with 4385  
other financial institution regulatory authorities information 4386  
relating to registrants and licensees. For this purpose, a 4387  
"financial institution regulatory authority" includes a 4388  
regulator of a business activity in which a registrant or 4389  
licensee is engaged, or has applied to engage in, to the extent 4390  
that the regulator has jurisdiction over a registrant or 4391  
licensee engaged in that business activity. A registrant or 4392  
licensee is engaged in a business activity, and a regulator of 4393  
that business activity has jurisdiction over the registrant or 4394

licensee, whether the registrant or licensee conducts the 4395  
activity directly or a subsidiary or affiliate of the registrant 4396  
or licensee conducts the activity. 4397

(D) The superintendent shall, on a regular basis, report 4398  
violations of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4399  
any provision of this chapter, as well as enforcement actions 4400  
and other relevant information, to the nationwide mortgage 4401  
licensing system and registry. 4402

(E) (1) Any confidentiality or privilege arising under 4403  
federal or state law with respect to any information or material 4404  
provided to the nationwide mortgage licensing system and 4405  
registry shall continue to apply to the information or material 4406  
after the information or material is provided to the nationwide 4407  
mortgage licensing system and registry. The information and 4408  
material so provided may be released to any state or federal 4409  
regulatory official with mortgage industry oversight authority 4410  
without the loss of confidentiality or privilege protections 4411  
provided by federal law or the law of any state. Information or 4412  
material described in division (E) (1) of this section to which 4413  
confidentiality or privilege applies shall not be subject to any 4414  
of the following: 4415

(a) Disclosure under any federal or state law governing 4416  
disclosure to the public of information held by an officer or an 4417  
agency of the federal government or of the respective state; 4418

(b) Subpoena or discovery, or admission into evidence, in 4419  
any private civil action or administrative process, unless the 4420  
person to whom such information or material pertains waives, in 4421  
whole or in part and at the discretion of the person, any 4422  
privilege held by the nationwide mortgage licensing system and 4423  
registry with respect to that information or material. 4424

(2) The superintendent, in order to promote more effective 4425  
regulation and reduce regulatory burden through supervisory 4426  
information sharing, may enter into sharing arrangements with 4427  
other governmental agencies, the conference of state bank 4428  
supervisors, and the American association of residential 4429  
mortgage regulators. 4430

(3) Any state law, including section 149.43 of the Revised 4431  
Code, relating to the disclosure of confidential supervisory 4432  
information or any information or material described in division 4433  
(A) (1) or (E) (1) of this section that is inconsistent with this 4434  
section shall be superseded by the requirements of this section. 4435

(F) This section shall not apply with respect to 4436  
information or material relating to the employment history of, 4437  
and publicly adjudicated disciplinary and enforcement actions 4438  
against, mortgage loan originators that is included in the 4439  
nationwide mortgage licensing system and registry for access by 4440  
the public. 4441

(G) This section does not prevent the division from 4442  
releasing information relating to registrants and licensees to 4443  
the attorney general, to the superintendent of real estate and 4444  
professional licensing for purposes relating to the 4445  
administration of Chapters 4735. and 4763. of the Revised Code, 4446  
to the superintendent of insurance for purposes relating to the 4447  
administration of Chapter 3953. of the Revised Code, to the 4448  
commissioner of securities for purposes relating to the 4449  
administration of Chapter 1707. of the Revised Code, or to local 4450  
law enforcement agencies and local prosecutors. Information the 4451  
division releases pursuant to this section remains confidential. 4452

(H) The superintendent of financial institutions shall, by 4453  
rule adopted in accordance with Chapter 119. of the Revised 4454



Code, establish a process by which mortgage loan originators may 4455  
challenge any information provided to the nationwide mortgage 4456  
licensing system and registry by the superintendent. 4457

**Sec. ~~1322.07~~ 1322.40.** No registrant, licensee, or person 4458  
required to be registered or licensed under ~~sections 1322.01 to~~ 4459  
~~1322.12 of the Revised Code~~ this chapter, or individual 4460  
disclosed in an application as required by ~~division (A) (2) of~~ 4461  
~~section 1322.03 of the Revised Code~~ this chapter, shall do any 4462  
of the following: 4463

(A) Obtain a ~~mortgage broker~~ certificate of registration 4464  
or mortgage loan originator license through any false or 4465  
fraudulent representation of a material fact or any omission of 4466  
a material fact required by state law, or make any substantial 4467  
misrepresentation in any registration or license application; 4468

(B) Make false or misleading statements of a material 4469  
fact, omissions of statements required by state or federal law, 4470  
or false promises regarding a material fact, through advertising 4471  
or other means, or engage in a continued course of 4472  
misrepresentations; 4473

(C) Engage in conduct that constitutes improper, 4474  
fraudulent, or dishonest dealings; 4475

(D) Fail to notify the division of financial institutions 4476  
within thirty days after any of the following: 4477

(1) Being convicted of or pleading guilty or nolo 4478  
contendere to a felony in a domestic, foreign, or military 4479  
court; 4480

(2) Being convicted of or pleading guilty or nolo 4481  
contendere to any criminal offense involving theft, receiving 4482  
stolen property, embezzlement, forgery, fraud, passing bad 4483

checks, money laundering, breach of trust, dishonesty, or drug 4484  
trafficking, or any criminal offense involving money or 4485  
securities, in a domestic, foreign, or military court; 4486

(3) Having a mortgage lender or mortgage broker 4487  
certificate of registration or mortgage loan originator license, 4488  
or any comparable authority, revoked in any governmental 4489  
jurisdiction. 4490

(E) Knowingly make, propose, or solicit fraudulent, false, 4491  
or misleading statements on any mortgage loan document or on any 4492  
document related to a mortgage loan, including a mortgage 4493  
application, real estate appraisal, or real estate settlement or 4494  
closing document. For purposes of this division, "fraudulent, 4495  
false, or misleading statements" does not include mathematical 4496  
errors, inadvertent transposition of numbers, typographical 4497  
errors, or any other bona fide error. 4498

(F) Knowingly instruct, solicit, propose, or otherwise 4499  
cause a buyer to sign in blank a mortgage related document; 4500

(G) Knowingly compensate, instruct, induce, coerce, or 4501  
intimidate, or attempt to compensate, instruct, induce, coerce, 4502  
or intimidate, a person licensed or certified under Chapter 4503  
4763. of the Revised Code for the purpose of corrupting or 4504  
improperly influencing the independent judgment of the person 4505  
with respect to the value of the dwelling offered as security 4506  
for repayment of a mortgage loan; 4507

(H) Promise to refinance a loan in the future at a lower 4508  
interest rate or with more favorable terms, unless the promise 4509  
is set forth in writing and is initialed by the buyer; 4510

(I) Engage in any unfair, deceptive, or unconscionable act 4511  
or practice prohibited under sections 1345.01 to 1345.13 of the 4512

Revised Code. 4513

**Sec. ~~1322.074~~ 1322.41.** (A) Except as otherwise provided in 4514  
division (B) of this section, no registrant, or any member of 4515  
the immediate family of an owner of a registrant, shall own or 4516  
control a majority interest in an appraisal company. 4517

(B) Division (A) of this section shall not apply to any 4518  
registrant, or any member of the immediate family of an owner of 4519  
a registrant, who, on January 1, 2010, directly or indirectly 4520  
owns or controls a majority interest in an appraisal company. 4521  
However, such ownership or control is subject to the following 4522  
conditions: 4523

(1) The registrant and members of the immediate family of 4524  
an owner of a registrant shall not increase their interest in 4525  
the company. 4526

(2) The interest is not transferable to a member of the 4527  
immediate family of an owner of a registrant. 4528

(3) If the registrant is convicted of or pleads guilty or 4529  
nolo contendere to a criminal violation of ~~sections 1322.01 to~~ 4530  
~~1322.12 of the Revised Code~~ this chapter or any criminal offense 4531  
described in division (A) (1) (b) of section ~~1322.10-1322.50~~ of 4532  
the Revised Code, the superintendent of financial institutions 4533  
may, in addition to any of the actions authorized under section 4534  
~~1322.10-1322.50~~ of the Revised Code, order the registrant or 4535  
members of the immediate family of an owner of a registrant to 4536  
divest their interest in the company. 4537

**Sec. ~~1322.075~~ 1322.42.** (A) (1) No registrant or licensee or 4538  
person required to be registered or licensed under ~~sections~~ 4539  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter shall refer 4540  
a buyer to any settlement service provider, including any title 4541

insurance company, that has an affiliated business arrangement 4542  
with the registrant, licensee, or person without providing the 4543  
buyer with written notice ~~disclosing all of the following:~~ 4544

~~(1) Any business relationship that exists between the~~ 4545  
~~registrant, licensee, or person required to be registered or~~ 4546  
~~licensed under sections 1322.01 to 1322.12 of the Revised Code,~~ 4547  
~~and the provider to which the buyer is being referred, and any~~ 4548  
~~financial benefit that the registrant, licensee, or person may~~ 4549  
~~be provided because of the relationship;~~ 4550

~~(2) The percentage of ownership interest the registrant,~~ 4551  
~~licensee, or person required to be registered or licensed under~~ 4552  
~~sections 1322.01 to 1322.12 of the Revised Code has in the~~ 4553  
~~provider to which the buyer is being referred;~~ 4554

~~(3) The estimated charge or range of charges for the~~ 4555  
~~settlement service listed;~~ 4556

~~(4) The following statement, printed in boldface type of~~ 4557  
~~the minimum size of sixteen points: "There are frequently other~~ 4558  
~~settlement service providers available with similar services.~~ 4559  
~~You are free to shop around to determine that you are receiving~~ 4560  
~~the best services and the best rate for these services." as~~ 4561  
~~required by rule adopted by the superintendent.~~ 4562

(2) As used in division (A) (1) of this section, 4563  
"affiliated business arrangement" has the same meaning as in 12 4564  
U.S.C. 2602. 4565

(B) No registrant or licensee shall refer a buyer to an 4566  
appraisal company, if the registrant or licensee, a member of 4567  
the immediate family of an owner of the registrant, or a member 4568  
of the licensee's immediate family, has either of the following 4569  
financial relationships with the appraisal company: 4570

(1) An ownership or investment interest in the company, 4571  
whether through debt, equity, or other means; 4572

(2) Any compensation arrangement involving any 4573  
remuneration, directly or indirectly, overtly or covertly, in 4574  
cash or in kind. 4575

(C) No registrant or licensee shall knowingly enter into 4576  
an arrangement or scheme, including a cross-referral 4577  
arrangement, that has a principal purpose of assuring referrals 4578  
by a registrant or licensee to a particular appraisal company 4579  
that would violate division (B) of this section. 4580

(D) The registrant, licensee, and entity holding a valid 4581  
letter of exemption under division (B) (1) of section 1322.05 of 4582  
the Revised Code, or person required to be registered or 4583  
licensed under ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4584  
this chapter shall retain proof that the buyer received the 4585  
written disclosures required by division (A) of this section for 4586  
four years. 4587

Sec. 1322.43. No registrant and entity holding a valid 4588  
letter of exemption under division (B) (1) of section 1322.05 of 4589  
the Revised Code, through its operations manager or otherwise, 4590  
shall fail to do either of the following: 4591

(A) Reasonably supervise a mortgage loan originator or any 4592  
other person associated with the registrant; 4593

(B) Establish reasonable procedures designed to avoid 4594  
violations of any provision of this chapter or the rules adopted 4595  
under this chapter, or violations of applicable state and 4596  
federal consumer and lending laws or rules, by mortgage loan 4597  
originators or any other person associated with the registrant. 4598

~~Sec. 1322.081~~ 1322.45. (A) A registrant, a licensee, and 4599

any person required to be registered or licensed under ~~sections~~ 4600  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter, in addition 4601  
to duties imposed by other statutes or common law, shall do all 4602  
of the following: 4603

(1) Safeguard and account for any money handled for the 4604  
buyer; 4605

(2) Follow reasonable and lawful instructions from the 4606  
buyer; 4607

(3) Act with reasonable skill, care, and diligence; 4608

(4) Act in good faith and with fair dealing in any 4609  
transaction, practice, or course of business in connection with 4610  
the brokering or originating of any residential mortgage loan; 4611

(5) Make reasonable efforts to secure a residential 4612  
mortgage loan, from lenders with whom the registrant, licensee, 4613  
or person regularly does business, with rates, charges, and 4614  
repayment terms that are advantageous to the buyer. 4615

(B) Division (A) of this section shall not apply to 4616  
wholesale lenders. However, wholesale lenders are subject to all 4617  
other requirements applicable to mortgage brokers and nonbank 4618  
mortgage lenders. For purposes of this division, "wholesale 4619  
lender" means a company that has been issued a ~~mortgage broker~~ 4620  
certificate of registration and that enters into transactions 4621  
with buyers exclusively through unaffiliated third-party 4622  
mortgage brokers. 4623

(C) The duties and standards of care created in this 4624  
section cannot be waived or modified. 4625

(D) (1) A buyer injured by a ~~violation of~~ failure to comply 4626  
with this section may bring an action for recovery of damages. 4627

(2) Damages awarded under division (D) (1) of this section 4628  
shall not be less than all compensation paid directly or 4629  
indirectly to a mortgage broker from any source, plus reasonable 4630  
attorney's fees and court costs. 4631

(3) The buyer may be awarded punitive damages. 4632

(E) A buyer injured by a ~~violation of failure to comply~~ 4633  
with this section is precluded from recovering any damages, plus 4634  
reasonable attorney's fees and costs, if the buyer has also 4635  
recovered any damages in a cause of action initiated under 4636  
section ~~1322.11-1322.52~~ of the Revised Code and the recovery of 4637  
damages for a ~~violation of failure to comply with this section~~ 4638  
is based on the same acts or circumstances as the basis for 4639  
recovery of damages in section ~~1322.11-1322.52~~ of the Revised 4640  
Code. 4641

(F) This section shall not be interpreted by the 4642  
superintendent to require a separate account for deposit of 4643  
buyer funds. 4644

**Sec. ~~1322.09~~ 1322.46.** (A) A ~~mortgage broker-registrant~~ or 4645  
mortgage loan originator shall disclose in any printed, 4646  
televised, broadcast, electronically transmitted, or published 4647  
advertisement relating to the ~~mortgage broker's-registrant's~~ or 4648  
mortgage loan originator's services, including on any electronic 4649  
site accessible through the internet, the business name and 4650  
~~street address~~ of the ~~mortgage broker-registrant~~ or mortgage 4651  
loan originator and the ~~number designated on the certificate of~~ 4652  
~~registration or license that is issued to~~ unique identifier of 4653  
the ~~mortgage broker-registrant~~ or mortgage loan originator ~~by~~ 4654  
~~the superintendent of financial institutions under sections~~ 4655  
~~1322.01 to 1322.12 of the Revised Code.~~ 4656

(B) In making any advertisement, a ~~mortgage broker~~ 4657  
registrant shall comply with 12 C.F.R. 226.16, as amended. 4658

~~(C) No mortgage broker or loan originator shall fail to 4659  
comply with this section. 4660~~

**Sec. ~~1322.10~~ 1322.50.** (A) After notice and opportunity for 4661  
a hearing conducted in accordance with Chapter 119. of the 4662  
Revised Code, the superintendent of financial institutions may 4663  
do the following: 4664

(1) Suspend, revoke, or refuse to issue or renew a 4665  
certificate of registration or license if the superintendent 4666  
finds any of the following: 4667

(a) A violation of or failure to comply with any provision 4668  
of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter 4669  
or the rules adopted under ~~those sections~~ this chapter, federal 4670  
lending law, or any other law applicable to the business 4671  
conducted under a certificate of registration or license; 4672

(b) A conviction of or guilty or nolo contendere plea to a 4673  
felony in a domestic, foreign, or military court; 4674

(c) A conviction of or guilty or nolo contendere plea to 4675  
any criminal offense involving theft, receiving stolen property, 4676  
embezzlement, forgery, fraud, passing bad checks, money 4677  
laundering, breach of trust, dishonesty, or drug trafficking, or 4678  
any criminal offense involving money or securities, in a 4679  
domestic, foreign, or military court; 4680

(d) The revocation of a ~~mortgage broker~~ certificate of 4681  
registration or mortgage loan originator license, or any 4682  
comparable authority, in any governmental jurisdiction. 4683

(2) Impose a fine of not more than one thousand dollars, 4684



for each day a violation of a law or rule is committed, 4685  
repeated, or continued. If the registrant or licensee engages in 4686  
a pattern of repeated violations of a law or rule, the 4687  
superintendent may impose a fine of not more than two thousand 4688  
dollars for each day the violation is committed, repeated, or 4689  
continued. All fines collected pursuant to this division shall 4690  
be paid to the treasurer of state to the credit of the consumer 4691  
finance fund created in section 1321.21 of the Revised Code. In 4692  
determining the amount of a fine to be imposed pursuant to this 4693  
division, the superintendent may consider all of the following, 4694  
to the extent known by the division of financial institutions: 4695

(a) The seriousness of the violation; 4696

(b) The registrant's or licensee's good faith efforts to 4697  
prevent the violation; 4698

(c) The registrant's or licensee's history regarding 4699  
violations and compliance with division orders; 4700

(d) The registrant's or licensee's financial resources; 4701

(e) Any other matters the superintendent considers 4702  
appropriate in enforcing ~~sections 1322.01 to 1322.12 of the~~ 4703  
~~Revised Code~~ this chapter. 4704

(B) The superintendent may investigate alleged violations 4705  
of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter 4706  
or the rules adopted under ~~those sections~~ this chapter or 4707  
complaints concerning any violation. 4708

(1) The superintendent may make application to the court 4709  
of common pleas for an order enjoining any violation and, upon a 4710  
showing by the superintendent that a person has committed or is 4711  
about to commit that violation, the court shall grant an 4712  
injunction, restraining order, or other appropriate relief. 4713

(2) The superintendent may make application to the court 4714  
of common pleas for an order enjoining any person from acting as 4715  
a mortgage lender, mortgage broker, registrant, mortgage loan 4716  
originator, or licensee in violation of division (A) or (B) of 4717  
section ~~1322.02~~1322.07 of the Revised Code, and may seek and 4718  
obtain civil penalties for unregistered or unlicensed conduct of 4719  
not more than five thousand dollars per violation. 4720

(C) In conducting any investigation pursuant to this 4721  
section, the superintendent may compel, by subpoena, witnesses 4722  
to testify in relation to any matter over which the 4723  
superintendent has jurisdiction and may require the production 4724  
of any book, record, or other document pertaining to that 4725  
matter. If a person fails to file any statement or report, obey 4726  
any subpoena, give testimony, produce any book, record, or other 4727  
document as required by a subpoena, or permit photocopying of 4728  
any book, record, or other document subpoenaed, the court of 4729  
common pleas of any county in this state, upon application made 4730  
to it by the superintendent, shall compel obedience by 4731  
attachment proceedings for contempt, as in the case of 4732  
disobedience of the requirements of a subpoena issued from the 4733  
court or a refusal to testify therein. 4734

(D) If the superintendent determines that a person is 4735  
engaged in or is believed to be engaged in activities that may 4736  
constitute a violation of ~~sections 1322.01 to 1322.12 of the~~ 4737  
~~Revised Code~~ this chapter or any rule adopted thereunder, the 4738  
superintendent, after notice and a hearing conducted in 4739  
accordance with Chapter 119. of the Revised Code, may issue a 4740  
cease and desist order. If the administrative action is to 4741  
enjoin a person from acting as a mortgage lender, mortgage 4742  
broker, or mortgage loan originator in violation of division (A) 4743  
or (B) of section ~~1322.02~~1322.07 of the Revised Code, the 4744

superintendent may seek and impose fines for that conduct in an amount not to exceed five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(E) If the superintendent revokes a ~~mortgage broker~~ certificate of registration or mortgage loan originator license, the revocation shall be permanent and with prejudice.

(F) (1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the ~~mortgage broker~~ certificate of registration or mortgage loan originator license of a registrant or licensee who is convicted of or pleads guilty or nolo contendere to a criminal violation of any provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter or any criminal offense described in division (A) (1) (b) or (c) of this section;

(b) Suspend the ~~mortgage broker~~ certificate of registration of a registrant who violates division (F) of section ~~1322.05-1322.32~~ of the Revised Code;

(c) Suspend the ~~mortgage broker~~ certificate of registration or mortgage loan originator license of a registrant or licensee who fails to comply with a request made by the superintendent under section ~~1322.03-1322.09~~ or ~~1322.031-1322.20~~ of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

(2) The superintendent may, in accordance with Chapter 119. of the Revised Code, subsequently revoke any registration or license suspended under division (F) (1) of this section.

~~(3) The superintendent shall, in accordance with Chapter 119. of the Revised Code, adopt rules establishing the maximum~~

~~amount of time a suspension under division (F) (1) of this section may continue before a hearing is conducted.~~ 4774  
4775

(G) The imposition of fines under this section does not 4776  
preclude any penalty imposed under section 1322.99 of the 4777  
Revised Code. 4778

**Sec. ~~1322.101~~ 1322.51.** On receipt of a notice pursuant to 4779  
section 3123.43 of the Revised Code, the division of financial 4780  
institutions shall comply with sections 3123.41 to 3123.50 of 4781  
the Revised Code and any applicable rules adopted under section 4782  
3123.63 of the Revised Code with respect to a certificate or 4783  
license issued pursuant to this chapter. 4784

**Sec. ~~1322.11~~ 1322.52.** (A) (1) A buyer injured by a 4785  
violation of section ~~1322.02, 1322.062, 1322.063, 1322.064,~~ 4786  
~~1322.07, 1322.071, 1322.08, or 1322.09~~ 1322.40, or 1322.46 of 4787  
the Revised Code may bring an action for recovery of damages. 4788

(2) Damages awarded under division (A) (1) of this section 4789  
shall not be less than all compensation paid directly and 4790  
indirectly to a ~~mortgage broker registrant~~ or mortgage loan 4791  
originator from any source, plus reasonable attorney's fees and 4792  
court costs. 4793

(3) The buyer may be awarded punitive damages. 4794

(B) (1) The superintendent of financial institutions or a 4795  
buyer may directly bring an action to enjoin a violation of 4796  
~~sections 1322.01 to 1322.12 of the Revised Code~~ any provision of 4797  
this chapter. The attorney general may directly bring an action 4798  
to enjoin a violation of ~~sections 1322.01 to 1322.12 of the~~ 4799  
~~Revised Code~~ any provision of this chapter with the same rights, 4800  
privileges, and powers as those described in section 1345.06 of 4801  
the Revised Code. The prosecuting attorney of the county in 4802

which the action may be brought may bring an action to enjoin a 4803  
violation of ~~sections 1322.01 to 1322.12 of the Revised Code~~ any 4804  
provision of this chapter only if the prosecuting attorney first 4805  
presents any evidence of the violation to the attorney general 4806  
and, within a reasonable period of time, the attorney general 4807  
has not agreed to bring the action. 4808

(2) The superintendent may initiate criminal proceedings 4809  
under ~~sections 1322.01 to 1322.12 of the Revised Code~~ this 4810  
chapter by presenting any evidence of criminal violation to the 4811  
prosecuting attorney of the county in which the offense may be 4812  
prosecuted. If the prosecuting attorney does not prosecute the 4813  
violations, or at the request of the prosecuting attorney, the 4814  
superintendent shall present any evidence of criminal violations 4815  
to the attorney general, who may proceed in the prosecution with 4816  
all the rights, privileges, and powers conferred by law on 4817  
prosecuting attorneys, including the power to appear before 4818  
grand juries and to interrogate witnesses before such grand 4819  
juries. These powers of the attorney general shall be in 4820  
addition to any other applicable powers of the attorney general. 4821

(3) The prosecuting attorney of the county in which an 4822  
alleged offense may be prosecuted may initiate criminal 4823  
proceedings under ~~sections 1322.01 to 1322.12 of the Revised~~ 4824  
~~Code~~ this chapter. 4825

(4) In order to initiate criminal proceedings under 4826  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter, 4827  
the attorney general shall first present any evidence of 4828  
criminal violations to the prosecuting attorney of the county in 4829  
which the alleged offense may be prosecuted. If, within a 4830  
reasonable period of time, the prosecuting attorney has not 4831  
agreed to prosecute the violations, the attorney general may 4832

proceed in the prosecution with all the rights, privileges, and 4833  
powers described in division (B) (2) of this section. 4834

(5) When a judgment under this section becomes final, the 4835  
clerk of court shall mail a copy of the judgment, including 4836  
supporting opinions, to the superintendent. 4837

(C) The remedies provided by this section are in addition 4838  
to any other remedy provided by law. 4839

(D) In any proceeding or action brought under ~~sections~~ 4840  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter, the burden 4841  
of proving an exemption under those sections is on the person 4842  
claiming the benefit of the exemption. 4843

(E) No person shall be deemed to violate ~~sections 1322.01~~ 4844  
~~to 1322.12 of the Revised Code~~ any provision of this chapter 4845  
with respect to any act taken or omission made in reliance on a 4846  
written notice, written interpretation, or written report from 4847  
the superintendent, unless there is a subsequent amendment to 4848  
those ~~sections~~ provisions, or rules promulgated thereunder, that 4849  
affects the superintendent's notice, interpretation, or report. 4850

(F) Upon disbursement of mortgage loan proceeds to or on 4851  
behalf of the buyer, the registrant that assisted the buyer to 4852  
obtain the mortgage loan is deemed to have completed the 4853  
performance of the registrant's services for the buyer and owes 4854  
no additional duties or obligations to the buyer with respect to 4855  
the mortgage loan. However, nothing in this division shall be 4856  
construed to limit or preclude the civil or criminal liability 4857  
of a registrant for failing to comply with ~~sections 1322.01 to~~ 4858  
~~1322.12 of the Revised Code~~ this chapter or any rule adopted 4859  
under ~~those sections~~ this chapter, for failing to comply with 4860  
any provision of or duty arising under an agreement with a buyer 4861

or lender under ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4862  
this chapter, or for violating any other provision of state or 4863  
federal law. 4864

(G) A buyer injured by a violation of any of the sections 4865  
specified in division (A) (1) of this section is precluded from 4866  
recovering any damages, plus reasonable attorney's fees and 4867  
costs, if the buyer has also recovered any damages in a cause of 4868  
action initiated under section ~~1322.081~~-1322.45 of the Revised 4869  
Code and the recovery of damages for a violation of any of the 4870  
sections specified in division (A) (1) of this section is based 4871  
on the same acts or circumstances as the basis for recovery of 4872  
damages in section ~~1322.081~~-1322.45 of the Revised Code. 4873

**Sec. ~~1322.025~~ 1322.55.** (A) Notwithstanding any provision 4874  
of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter, 4875  
or any rule adopted thereunder, if the "Secure and Fair 4876  
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 4877  
12 U.S.C. 5101, as amended, is modified after ~~the effective date~~ 4878  
~~of this section~~ October 16, 2009, or any regulation, statement, 4879  
or position is adopted under that act, and the item modified or 4880  
adopted affects any matter within the scope of ~~sections 1322.01~~ 4881  
~~to 1322.12 of the Revised Code~~ this chapter, the superintendent 4882  
of financial institutions may by rule adopt a similar provision. 4883

(B) The superintendent shall adopt the rules authorized by 4884  
this section in accordance with section 111.15 of the Revised 4885  
Code. Chapter 119. of the Revised Code does not apply to rules 4886  
adopted under the authority of this section. 4887

(C) A rule adopted by the superintendent under the 4888  
authority of this section is effective on the later of the 4889  
following dates: 4890

- (1) The date the superintendent issues the rule; 4891
- (2) The date the regulation, rule, interpretation, 4892  
procedure, or guideline the superintendent's rule is based on 4893  
becomes effective. 4894
- (D) The superintendent may, upon thirty days' written 4895  
notice, revoke any rule adopted under the authority of this 4896  
section. A rule adopted under the authority of this section, and 4897  
not revoked by the superintendent, lapses and has no further 4898  
force and effect eighteen months after the rule's effective 4899  
date. 4900
- Sec. 1322.56. The superintendent of financial institutions 4901  
may adopt, in accordance with Chapter 119. of the Revised Code, 4902  
any rule necessary to comply with the requirements of the 4903  
nationwide mortgage licensing system and registry, including 4904  
requirements pertaining to all of the following: 4905
- (A) Payment of nonrefundable fees to apply for, maintain, 4906  
and renew licenses through the nationwide mortgage licensing 4907  
system and registry; 4908
- (B) Renewal or reporting dates; 4909
- (C) Procedures to amend or to surrender a license; 4910
- (D) Any other activity necessary for participation in the 4911  
nationwide mortgage licensing system and registry. 4912
- ~~Sec. 1322.12~~ 1322.57. The superintendent of financial 4913  
institutions, in accordance with Chapter 119. of the Revised 4914  
Code, may adopt reasonable rules to administer and enforce 4915  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter and 4916  
to carry out the purposes of ~~those sections~~ this chapter. 4917
- Sec. 1322.99.** (A) (1) Whoever violates division (A) ~~(1) or~~ 4918



~~(2) of section 1322.02, 1322.07 or division (E), (F), or (G) of~~ 4919  
~~section 1322.07, division (B) (1) or (2) of section 1322.071, or~~ 4920  
~~section 1322.08 1322.40 of the Revised Code is guilty of a~~ 4921  
felony of the fifth degree. 4922

~~(B) Whoever violates division (B) (3) of section 1322.071~~ 4923  
~~of the Revised Code is guilty of a felony of the fourth degree.~~ 4924

~~(C) (2) Whoever violates division (B) or (C) (1) or (2) of~~ 4925  
~~section 1322.02 1322.07 of the Revised Code is guilty of a~~ 4926  
misdemeanor of the first degree. 4927

(B) The offenses established under divisions (A) and (B) 4928  
of section 1322.07 of the Revised Code are strict liability 4929  
offenses, and section 2901.20 of the Revised Code does not 4930  
apply. The designation of these offenses as strict liability 4931  
offenses shall not be construed to imply that any other offense 4932  
for which there is no specified degree of culpability, whether 4933  
in this section or another section of the Revised Code, is not a 4934  
strict liability offense. 4935

**Sec. 1329.71.** (A) As used in this section, "financial 4936  
institution" means any bank, savings and loan association, 4937  
savings bank, or credit union; any affiliate or subsidiary of a 4938  
bank, savings and loan association, savings bank, or credit 4939  
union; ~~or~~ any registrant as defined in section 1321.51 of the 4940  
Revised Code; or any person registered as a mortgage lender 4941  
under Chapter 1322. of the Revised Code. 4942

(B) Any financial institution may proceed by suit to 4943  
enjoin the use of the financial institution's name or logo in 4944  
connection with the sale, offering for sale, distribution, or 4945  
advertising of any product or service without the express 4946  
written consent of the financial institution, if such use is 4947

misleading or deceptive as to the source of origin or 4948  
sponsorship of, or the affiliation with, the product or service. 4949  
Any court of competent jurisdiction may grant injunctions to 4950  
restrain such use as the court considers just and reasonable and 4951  
may require the defendants to pay to the financial institution 4952  
all profits derived from and all damages suffered by reason of 4953  
the wrongful use of the name or logo. 4954

(C) Notwithstanding division (B) of this section, the only 4955  
remedies that are available for the wrongful use of a financial 4956  
institution's name or logo by a registrant or licensee under 4957  
~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code 4958  
are those set forth in section ~~1322.10-1322.50~~ of the Revised 4959  
Code or otherwise provided by statute or common law. 4960

(D) The provisions of this section are not intended to be 4961  
exclusive remedies and do not preclude the use of any other 4962  
remedy provided by law. 4963

**Sec. 1335.02.** (A) As used in this section: 4964

(1) "Debtor" means a person that obtains credit or seeks a 4965  
loan agreement with a financial institution or owes money to a 4966  
financial institution. 4967

(2) "Financial institution" means ~~either~~ any of the 4968  
following: 4969

(a) A federally or state-chartered bank, savings bank, 4970  
savings and loan association, or credit union, or a holding 4971  
company, subsidiary, or affiliate of a bank, savings bank, or 4972  
savings and loan association; 4973

(b) A licensee under sections 1321.01 to 1321.19 of the 4974  
Revised Code, or a registrant under sections 1321.51 to 1321.60 4975  
of the Revised Code, or a parent company, subsidiary, or 4976

affiliate of a licensee or registrant; 4977

(c) A person registered as a mortgage lender under Chapter 4978  
1322. of the Revised Code or a parent company, subsidiary, or 4979  
affiliate of such a person. 4980

(3) "Loan agreement" means one or more promises, 4981  
promissory notes, agreements, undertakings, security agreements, 4982  
mortgages, or other documents or commitments, or any combination 4983  
of these documents or commitments, pursuant to which a financial 4984  
institution loans or delays, or agrees to loan or delay, 4985  
repayment of money, goods, or anything of value, or otherwise 4986  
extends credit or makes a financial accommodation. "Loan 4987  
agreement" does not include a promise, promissory note, 4988  
agreement, undertaking, or other document or commitment relating 4989  
to a credit card, a charge card, a revolving budget agreement 4990  
subject to section 1317.11 of the Revised Code, an open-end loan 4991  
agreement subject to section 1321.16 or 1321.58 of the Revised 4992  
Code, or an open-end credit agreement subject to section 1109.18 4993  
of the Revised Code. 4994

(B) No party to a loan agreement may bring an action on a 4995  
loan agreement unless the agreement is in writing and is signed 4996  
by the party against whom the action is brought or by the 4997  
authorized representative of the party against whom the action 4998  
is brought. However, a loan agreement need not be signed by an 4999  
officer or other authorized representative of a financial 5000  
institution, if the loan agreement is in the form of a 5001  
promissory note or other document or commitment that describes 5002  
the credit or loan and the loan agreement, by its terms, 5003  
satisfies all of the following conditions: 5004

(1) The loan agreement is intended by the parties to be 5005  
signed by the debtor but not by an officer or other authorized 5006

representative of the financial institution. 5007

(2) The loan agreement has been signed by the debtor. 5008

(3) The delivery of the loan agreement has been accepted 5009  
by the financial institution. 5010

(C) The terms of a loan agreement subject to this section, 5011  
including the rights and obligations of the parties to the loan 5012  
agreement, shall be determined solely from the written loan 5013  
agreement, and shall not be varied by any oral agreements that 5014  
are made or discussions that occur before or contemporaneously 5015  
with the execution of the loan agreement. Any prior oral 5016  
agreements between the parties are superseded by the loan 5017  
agreement. 5018

(D) This section does not apply to any loan agreement in 5019  
which the proceeds of the loan agreement are used by the debtor 5020  
primarily for personal, household, or family purposes and either 5021  
of the following applies: 5022

(1) The proceeds of the loan agreement are less than forty 5023  
thousand dollars; 5024

(2) A security interest securing the loan agreement is or 5025  
will be acquired in the primary residence of the debtor. 5026

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of 5027  
the Revised Code: 5028

(A) "Consumer transaction" means a sale, lease, 5029  
assignment, award by chance, or other transfer of an item of 5030  
goods, a service, a franchise, or an intangible, to an 5031  
individual for purposes that are primarily personal, family, or 5032  
household, or solicitation to supply any of these things. 5033  
"Consumer transaction" does not include transactions between 5034

persons, defined in sections 4905.03 and 5725.01 of the Revised Code, and their customers, except for transactions involving a loan made pursuant to sections 1321.35 to 1321.48 of the Revised Code and transactions in connection with residential mortgages between loan officers, mortgage brokers, or nonbank mortgage lenders and their customers; transactions involving a home construction service contract as defined in section 4722.01 of the Revised Code; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.

(B) "Person" includes an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative, or other legal entity.

(C) "Supplier" means a seller, lessor, assignor, franchisor, or other person engaged in the business of effecting or soliciting consumer transactions, whether or not the person deals directly with the consumer. If the consumer transaction is in connection with a residential mortgage, "supplier" does not include an assignee or purchaser of the loan for value, except as otherwise provided in section 1345.091 of the Revised Code. For purposes of this division, in a consumer transaction in connection with a residential mortgage, "seller" means a loan officer, mortgage broker, or nonbank mortgage lender.

(D) "Consumer" means a person who engages in a consumer transaction with a supplier.

(E) "Knowledge" means actual awareness, but such actual

awareness may be inferred where objective manifestations 5065  
indicate that the individual involved acted with such awareness. 5066

(F) "Natural gas service" means the sale of natural gas, 5067  
exclusive of any distribution or ancillary service. 5068

(G) "Public telecommunications service" means the 5069  
transmission by electromagnetic or other means, other than by a 5070  
telephone company as defined in section 4927.01 of the Revised 5071  
Code, of signs, signals, writings, images, sounds, messages, or 5072  
data originating in this state regardless of actual call 5073  
routing. "Public telecommunications service" excludes a system, 5074  
including its construction, maintenance, or operation, for the 5075  
provision of telecommunications service, or any portion of such 5076  
service, by any entity for the sole and exclusive use of that 5077  
entity, its parent, a subsidiary, or an affiliated entity, and 5078  
not for resale, directly or indirectly; the provision of 5079  
terminal equipment used to originate telecommunications service; 5080  
broadcast transmission by radio, television, or satellite 5081  
broadcast stations regulated by the federal government; or cable 5082  
television service. 5083

(H) (1) "Loan officer" means an individual who for 5084  
compensation or gain, or in anticipation of compensation or 5085  
gain, takes or offers to take a residential mortgage loan 5086  
application; assists or offers to assist a buyer in obtaining or 5087  
applying to obtain a residential mortgage loan by, among other 5088  
things, advising on loan terms, including rates, fees, and other 5089  
costs; offers or negotiates terms of a residential mortgage 5090  
loan; or issues or offers to issue a commitment for a 5091  
residential mortgage loan. "Loan officer" also includes a 5092  
mortgage loan originator as defined in division ~~(E) (1)~~ (Z) of 5093  
section 1322.01 of the Revised Code. 5094

(2) "Loan officer" does not include an employee of a bank, 5095  
savings bank, savings and loan association, credit union, or 5096  
credit union service organization organized under the laws of 5097  
this state, another state, or the United States; an employee of 5098  
a subsidiary of such a bank, savings bank, savings and loan 5099  
association, or credit union; or an employee of an affiliate 5100  
that (a) controls, is controlled by, or is under common control 5101  
with, such a bank, savings bank, savings and loan association, 5102  
or credit union and (b) is subject to examination, supervision, 5103  
and regulation, including with respect to the affiliate's 5104  
compliance with applicable consumer protection requirements, by 5105  
the board of governors of the federal reserve system, the 5106  
comptroller of the currency, the office of thrift supervision, 5107  
the federal deposit insurance corporation, or the national 5108  
credit union administration. 5109

(I) "Residential mortgage" or "mortgage" means an 5110  
obligation to pay a sum of money evidenced by a note and secured 5111  
by a lien upon real property located within this state 5112  
containing two or fewer residential units or on which two or 5113  
fewer residential units are to be constructed and includes such 5114  
an obligation on a residential condominium or cooperative unit. 5115

(J) (1) "Mortgage broker" means any of the following: 5116

(a) A person that holds that person out as being able to 5117  
assist a buyer in obtaining a mortgage and charges or receives 5118  
from either the buyer or lender money or other valuable 5119  
consideration readily convertible into money for providing this 5120  
assistance; 5121

(b) A person that solicits financial and mortgage 5122  
information from the public, provides that information to a 5123  
mortgage broker or a person that makes residential mortgage 5124

loans, and charges or receives from either of them money or 5125  
other valuable consideration readily convertible into money for 5126  
providing the information; 5127

(c) A person engaged in table-funding or warehouse-lending 5128  
mortgage loans that are residential mortgage loans. 5129

(2) "Mortgage broker" does not include a bank, savings 5130  
bank, savings and loan association, credit union, or credit 5131  
union service organization organized under the laws of this 5132  
state, another state, or the United States; a subsidiary of such 5133  
a bank, savings bank, savings and loan association, or credit 5134  
union; an affiliate that (a) controls, is controlled by, or is 5135  
under common control with, such a bank, savings bank, savings 5136  
and loan association, or credit union and (b) is subject to 5137  
examination, supervision, and regulation, including with respect 5138  
to the affiliate's compliance with applicable consumer 5139  
protection requirements, by the board of governors of the 5140  
federal reserve system, the comptroller of the currency, the 5141  
office of thrift supervision, the federal deposit insurance 5142  
corporation, or the national credit union administration; or an 5143  
employee of any such entity. 5144

(K) "Nonbank mortgage lender" means any person that 5145  
engages in a consumer transaction in connection with a 5146  
residential mortgage, except for a bank, savings bank, savings 5147  
and loan association, credit union, or credit union service 5148  
organization organized under the laws of this state, another 5149  
state, or the United States; a subsidiary of such a bank, 5150  
savings bank, savings and loan association, or credit union; or 5151  
an affiliate that (1) controls, is controlled by, or is under 5152  
common control with, such a bank, savings bank, savings and loan 5153  
association, or credit union and (2) is subject to examination, 5154



supervision, and regulation, including with respect to the 5155  
affiliate's compliance with applicable consumer protection 5156  
requirements, by the board of governors of the federal reserve 5157  
system, the comptroller of the currency, the office of thrift 5158  
supervision, the federal deposit insurance corporation, or the 5159  
national credit union administration. 5160

(L) For purposes of divisions (H), (J), and (K) of this 5161  
section: 5162

(1) "Control" of another entity means ownership, control, 5163  
or power to vote twenty-five per cent or more of the outstanding 5164  
shares of any class of voting securities of the other entity, 5165  
directly or indirectly or acting through one or more other 5166  
persons. 5167

(2) "Credit union service organization" means a CUSO as 5168  
defined in 12 C.F.R. 702.2. 5169

**Sec. 1349.27.** A creditor shall not do any of the 5170  
following: 5171

(A) Make a covered loan that includes any of the 5172  
following: 5173

(1) Terms under which a consumer must pay a prepayment 5174  
penalty for paying all or part of the principal before the date 5175  
on which the principal is due. For purposes of division (A) (1) 5176  
of this section, any method of computing a refund of unearned 5177  
scheduled interest is a prepayment penalty if it is less 5178  
favorable to the consumer than the actuarial method. 5179

Division (A) (1) of this section does not apply to a 5180  
prepayment penalty imposed in accordance with section 129(c) (2) 5181  
of the "Home Ownership and Equity Protection Act of 1994," 108 5182  
Stat. 2190, 15 U.S.C.A. 1639(c) (2), as amended, and the 5183

regulations adopted thereunder by the federal reserve board, as 5184  
amended. 5185

(2) Terms under which the outstanding principal balance 5186  
will increase at any time over the course of the loan because 5187  
the regular periodic payments do not cover the full amount of 5188  
interest due; 5189

(3) Terms under which more than two periodic payments 5190  
required under the loan are consolidated and paid in advance 5191  
from the loan proceeds provided to the consumer; 5192

(4) Terms under which a rebate of interest arising from a 5193  
loan acceleration due to default is calculated by a method less 5194  
favorable than the actuarial method. 5195

(B) Make a covered loan that provides for an interest rate 5196  
applicable after default that is higher than the interest rate 5197  
that applies before default; 5198

(C) Make a covered loan having a term of less than five 5199  
years that includes terms under which the aggregate amount of 5200  
the regular periodic payments would not fully amortize the 5201  
outstanding principal balance. This division does not apply to 5202  
any covered loan with a maturity of less than one year, if the 5203  
purpose of the loan is a "bridge" loan connected with the 5204  
acquisition or construction of a dwelling intended to become the 5205  
consumer's principal dwelling. 5206

(D) Engage in a pattern or practice of extending credit to 5207  
consumers under covered loans based on the consumers' collateral 5208  
without regard to the consumers' repayment ability, including 5209  
the consumers' current and expected income, current obligations, 5210  
and employment; 5211

(E) Make a payment to a contractor under a home 5212

improvement contract from amounts extended as credit under a 5213  
covered loan, except in either of the following ways: 5214

(1) By an instrument that is payable to the consumer or 5215  
jointly to the consumer and the contractor; 5216

(2) At the election of the consumer, by a third party 5217  
escrow agent in accordance with terms established in a written 5218  
agreement signed by the consumer, the creditor, and the 5219  
contractor before the date of payment. 5220

(F) On or after October 1, 2002, make a covered loan that 5221  
includes a demand feature that permits the creditor to terminate 5222  
the loan in advance of the original maturity date and to demand 5223  
repayment of the entire outstanding balance, except in any of 5224  
the following circumstances: 5225

(1) There is fraud or material misrepresentation by the 5226  
consumer in connection with the loan. 5227

(2) The consumer fails to meet the repayment terms of the 5228  
agreement for any outstanding balance. 5229

(3) There is any action or inaction by the consumer that 5230  
adversely affects the creditor's security for the loan or any 5231  
right of the creditor in that security. 5232

(G) (1) Within one year after having made a covered loan, 5233  
refinance a covered loan to the same borrower into another 5234  
covered loan, unless the refinancing is in the consumer's 5235  
interest. An assignee holding or servicing a covered loan shall 5236  
not, for the remainder of the one-year period following the date 5237  
of origination of the covered loan, refinance any covered loan 5238  
to the same consumer into another covered loan, unless the 5239  
refinancing is in the consumer's interest. 5240

A creditor or assignee shall not engage in acts or 5241  
practices to evade division (G) (1) of this section, including a 5242  
pattern or practice of arranging for the refinancing of its own 5243  
loans by affiliated or unaffiliated creditors, or modifying a 5244  
loan agreement, whether or not the existing loan is satisfied 5245  
and replaced by the new loan, and charging a fee. 5246

(2) Division (G) (1) of this section shall apply on and 5247  
after October 1, 2002. 5248

~~(H) Make a covered loan without first obtaining a copy of 5249  
the mortgage loan origination disclosure statement that was 5250  
delivered to the buyer in accordance with division (A) (1) of 5251  
section 1322.062 of the Revised Code; 5252~~

~~(I) Finance, directly or indirectly, into a covered loan 5253  
or finance to the same borrower within thirty days of a covered 5254  
loan any credit life or credit disability insurance premiums 5255  
sold in connection with the covered loan, provided that any 5256  
credit life or credit disability insurance premiums calculated 5257  
and paid on a monthly or other periodic basis shall not be 5258  
considered financed by the person originating the loan. For 5259  
purposes of this division, credit life or credit disability 5260  
insurance does not include a contract issued by a government 5261  
agency or private mortgage insurance company to insure the 5262  
lender against loss caused by a mortgagor's default. 5263~~

~~(J) (I) Replace or consolidate a zero interest rate or 5264  
other low-rate loan made by a governmental or nonprofit lender 5265  
with a covered loan within the first ten years of the low-rate 5266  
loan unless the current holder of the loan consents in writing 5267  
to the refinancing. For purposes of this division, a "low-rate 5268  
loan" means a loan that carries a current interest rate two 5269  
percentage points or more below the current yield on United 5270~~

States treasury securities with a comparable maturity. If the 5271  
loan's current interest rate is either a discounted introductory 5272  
rate or a rate that automatically steps up over time, the fully 5273  
indexed rate or the fully stepped-up rate, as applicable, shall 5274  
be used, in lieu of the current rate, to determine whether a 5275  
loan is a low-rate loan. 5276

~~(K)~~ (J) Make a covered loan if, at the time the loan was 5277  
consummated, the consumer's total monthly debt, including 5278  
amounts owed under the loan, exceed fifty per cent of the 5279  
consumer's monthly gross income, as verified by the credit 5280  
application, the consumer's financial statement, a credit 5281  
report, financial information provided to the person originating 5282  
the loan by or on behalf of the consumer, or any other 5283  
reasonable means, unless the consumer submits both of the 5284  
following: 5285

(1) Verification that the consumer received prepurchase 5286  
counseling from a counseling service that meets the criteria 5287  
established by the superintendent of financial institutions 5288  
under section 1349.271 of the Revised Code; 5289

(2) A disclosure, signed by the consumer, that 5290  
acknowledges the risk of entering into such a loan. 5291

**Sec. 1349.43.** (A) As used in this section, "loan officer," 5292  
"mortgage broker," and "nonbank mortgage lender" have the same 5293  
meanings as in section 1345.01 of the Revised Code. 5294

(B) The department of commerce shall establish and 5295  
maintain an electronic database accessible through the internet 5296  
that contains information on all of the following: 5297

(1) The enforcement actions taken by the superintendent of 5298  
financial institutions for each violation of or failure to 5299

comply with any provision of ~~sections 1322.01 to 1322.12~~ Chapter 5300  
1322. of the Revised Code, upon final disposition of the action; 5301

(2) The enforcement actions taken by the attorney general 5302  
under Chapter 1345. of the Revised Code against loan officers, 5303  
mortgage brokers, and nonbank mortgage lenders, upon final 5304  
disposition of each action; 5305

(3) All judgments by courts of this state, concerning 5306  
which appellate remedies have been exhausted or lost by the 5307  
expiration of the time for appeal, finding either of the 5308  
following: 5309

(a) A violation of any provision of ~~sections 1322.01 to~~ 5310  
~~1322.12~~ Chapter 1322. of the Revised Code; 5311

(b) That specific acts or practices by a loan officer, 5312  
mortgage broker, or nonbank mortgage lender violate section 5313  
1345.02, 1345.03, or 1345.031 of the Revised Code. 5314

(C) The attorney general shall notify the department of 5315  
all enforcement actions and judgments described in divisions (B) 5316  
(2) and (3)(b) of this section. 5317

(D) The department may adopt rules in accordance with 5318  
Chapter 119. of the Revised Code that are necessary to implement 5319  
this section. 5320

(E) The electronic database maintained by the department 5321  
in accordance with this section shall not include information 5322  
that, pursuant to section ~~1322.061~~ 1322.36 of the Revised Code, 5323  
is confidential. 5324

**Sec. 1349.44.** (A) The superintendent of financial 5325  
institutions shall report semiannually to the governor and the 5326  
general assembly on the operations of the division of financial 5327

institutions with respect to the following: 5328

(1) Enforcement actions instituted by the superintendent 5329  
for a violation of or failure to comply with any provision of 5330  
~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code, 5331  
and their final dispositions; 5332

(2) Suspensions, revocations, or refusals to issue or 5333  
renew certificates of registration and licenses under ~~sections~~ 5334  
~~1322.01 to 1322.12~~ Chapter 1322. of the Revised Code; 5335

(3) Outreach efforts of the office of consumer affairs to 5336  
provide education regarding predatory lending, borrowing, and 5337  
related financial topics. 5338

(B) The information required under divisions (A) (1) and 5339  
(2) of this section does not include information that, pursuant 5340  
to section ~~1322.061~~ 1322.36 of the Revised Code, is 5341  
confidential. 5342

**Sec. 1349.45.** (A) As used in this section, "financial 5343  
institution" means any bank, savings and loan association, 5344  
savings bank, or credit union; any affiliate or subsidiary of a 5345  
bank, savings and loan association, savings bank, or credit 5346  
union; ~~or~~ any registrant as defined in section 1321.51 of the 5347  
Revised Code; or any person registered as a mortgage lender 5348  
under Chapter 1322. of the Revised Code. 5349

(B) No person shall use the name or logo of any financial 5350  
institution in connection with the sale, offering for sale, 5351  
distribution, or advertising of any product or service without 5352  
the express written consent of the financial institution, if 5353  
such use is misleading or deceptive as to the source of origin 5354  
or sponsorship of, or the affiliation with, the product or 5355  
service. 5356

**Sec. 1349.99.** (A) Whoever violates section 1349.06 or 1349.17 of the Revised Code is guilty of a minor misdemeanor. 5357  
5358

(B) (1) Whoever violates section 1349.45 of the Revised Code is guilty of a misdemeanor of the first degree. 5359  
5360

(2) Notwithstanding division (B) (1) of this section, the only remedies that are available for a violation of section 1349.45 of the Revised Code by a registrant or licensee under ~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code are those set forth in section ~~1322.10~~ 1322.50 of the Revised Code or otherwise provided by statute or common law. 5361  
5362  
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(3) The provisions of division (B) of this section are not intended to be exclusive remedies and do not preclude the use of any other remedy provided by law. 5367  
5368  
5369

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the Revised Code: 5370  
5371

(A) "Beneficial interest" means any of the following: 5372

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 5373  
5374  
5375

(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 5376  
5377  
5378

(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 5379  
5380  
5381  
5382

"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in 5383  
5384



either a general or limited partnership. 5385

(B) "Costs of investigation and prosecution" and "costs of 5386  
investigation and litigation" mean all of the costs incurred by 5387  
the state or a county or municipal corporation under sections 5388  
2923.31 to 2923.36 of the Revised Code in the prosecution and 5389  
investigation of any criminal action or in the litigation and 5390  
investigation of any civil action, and includes, but is not 5391  
limited to, the costs of resources and personnel. 5392

(C) "Enterprise" includes any individual, sole 5393  
proprietorship, partnership, limited partnership, corporation, 5394  
trust, union, government agency, or other legal entity, or any 5395  
organization, association, or group of persons associated in 5396  
fact although not a legal entity. "Enterprise" includes illicit 5397  
as well as licit enterprises. 5398

(D) "Innocent person" includes any bona fide purchaser of 5399  
property that is allegedly involved in a violation of section 5400  
2923.32 of the Revised Code, including any person who 5401  
establishes a valid claim to or interest in the property in 5402  
accordance with division (E) of section 2981.04 of the Revised 5403  
Code, and any victim of an alleged violation of that section or 5404  
of any underlying offense involved in an alleged violation of 5405  
that section. 5406

(E) "Pattern of corrupt activity" means two or more 5407  
incidents of corrupt activity, whether or not there has been a 5408  
prior conviction, that are related to the affairs of the same 5409  
enterprise, are not isolated, and are not so closely related to 5410  
each other and connected in time and place that they constitute 5411  
a single event. 5412

At least one of the incidents forming the pattern shall 5413

occur on or after January 1, 1986. Unless any incident was an 5414  
aggravated murder or murder, the last of the incidents forming 5415  
the pattern shall occur within six years after the commission of 5416  
any prior incident forming the pattern, excluding any period of 5417  
imprisonment served by any person engaging in the corrupt 5418  
activity. 5419

For the purposes of the criminal penalties that may be 5420  
imposed pursuant to section 2923.32 of the Revised Code, at 5421  
least one of the incidents forming the pattern shall constitute 5422  
a felony under the laws of this state in existence at the time 5423  
it was committed or, if committed in violation of the laws of 5424  
the United States or of any other state, shall constitute a 5425  
felony under the law of the United States or the other state and 5426  
would be a criminal offense under the law of this state if 5427  
committed in this state. 5428

(F) "Pecuniary value" means money, a negotiable 5429  
instrument, a commercial interest, or anything of value, as 5430  
defined in section 1.03 of the Revised Code, or any other 5431  
property or service that has a value in excess of one hundred 5432  
dollars. 5433

(G) "Person" means any person, as defined in section 1.59 5434  
of the Revised Code, and any governmental officer, employee, or 5435  
entity. 5436

(H) "Personal property" means any personal property, any 5437  
interest in personal property, or any right, including, but not 5438  
limited to, bank accounts, debts, corporate stocks, patents, or 5439  
copyrights. Personal property and any beneficial interest in 5440  
personal property are deemed to be located where the trustee of 5441  
the property, the personal property, or the instrument 5442  
evidencing the right is located. 5443

(I) "Corrupt activity" means engaging in, attempting to  
engage in, conspiring to engage in, or soliciting, coercing, or  
intimidating another person to engage in any of the following:

(1) Conduct defined as "racketeering activity" under the  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C.  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended;

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, ~~1322.02~~ 1322.07,  
2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01,  
2905.02, 2905.11, 2905.22, 2905.32 as specified in division (I)  
(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02,  
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28,  
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31,  
2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12,  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17;  
division (F)(1)(a), (b), or (c) of section 1315.53; division (A)  
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E),  
or (F) of section 1707.44; division (A)(1) or (2) of section  
2923.20; division (E) or (G) of section 3772.99; division (J)(1)  
of section 4712.02; section 4719.02, 4719.05, or 4719.06;  
division (C), (D), or (E) of section 4719.07; section 4719.08;  
or division (A) of section 4719.09 of the Revised Code.

(b) Any violation of section 3769.11, 3769.15, 3769.16, or  
3769.19 of the Revised Code as it existed prior to July 1, 1996,  
any violation of section 2915.02 of the Revised Code that occurs  
on or after July 1, 1996, and that, had it occurred prior to  
that date, would have been a violation of section 3769.11 of the  
Revised Code as it existed prior to that date, or any violation  
of section 2915.05 of the Revised Code that occurs on or after  
July 1, 1996, and that, had it occurred prior to that date,

would have been a violation of section 3769.15, 3769.16, or 5474  
3769.19 of the Revised Code as it existed prior to that date. 5475

(c) Any violation of section 2907.21, 2907.22, 2907.31, 5476  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 5477  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 5478  
of the Revised Code, any violation of section 2925.11 of the 5479  
Revised Code that is a felony of the first, second, third, or 5480  
fourth degree and that occurs on or after July 1, 1996, any 5481  
violation of section 2915.02 of the Revised Code that occurred 5482  
prior to July 1, 1996, any violation of section 2915.02 of the 5483  
Revised Code that occurs on or after July 1, 1996, and that, had 5484  
it occurred prior to that date, would not have been a violation 5485  
of section 3769.11 of the Revised Code as it existed prior to 5486  
that date, any violation of section 2915.06 of the Revised Code 5487  
as it existed prior to July 1, 1996, or any violation of 5488  
division (B) of section 2915.05 of the Revised Code as it exists 5489  
on and after July 1, 1996, when the proceeds of the violation, 5490  
the payments made in the violation, the amount of a claim for 5491  
payment or for any other benefit that is false or deceptive and 5492  
that is involved in the violation, or the value of the 5493  
contraband or other property illegally possessed, sold, or 5494  
purchased in the violation exceeds one thousand dollars, or any 5495  
combination of violations described in division (I) (2) (c) of 5496  
this section when the total proceeds of the combination of 5497  
violations, payments made in the combination of violations, 5498  
amount of the claims for payment or for other benefits that is 5499  
false or deceptive and that is involved in the combination of 5500  
violations, or value of the contraband or other property 5501  
illegally possessed, sold, or purchased in the combination of 5502  
violations exceeds one thousand dollars; 5503

(d) Any violation of section 5743.112 of the Revised Code 5504

when the amount of unpaid tax exceeds one hundred dollars; 5505

(e) Any violation or combination of violations of section 5506  
2907.32 of the Revised Code involving any material or 5507  
performance containing a display of bestiality or of sexual 5508  
conduct, as defined in section 2907.01 of the Revised Code, that 5509  
is explicit and depicted with clearly visible penetration of the 5510  
genitals or clearly visible penetration by the penis of any 5511  
orifice when the total proceeds of the violation or combination 5512  
of violations, the payments made in the violation or combination 5513  
of violations, or the value of the contraband or other property 5514  
illegally possessed, sold, or purchased in the violation or 5515  
combination of violations exceeds one thousand dollars; 5516

(f) Any combination of violations described in division 5517  
(I) (2) (c) of this section and violations of section 2907.32 of 5518  
the Revised Code involving any material or performance 5519  
containing a display of bestiality or of sexual conduct, as 5520  
defined in section 2907.01 of the Revised Code, that is explicit 5521  
and depicted with clearly visible penetration of the genitals or 5522  
clearly visible penetration by the penis of any orifice when the 5523  
total proceeds of the combination of violations, payments made 5524  
in the combination of violations, amount of the claims for 5525  
payment or for other benefits that is false or deceptive and 5526  
that is involved in the combination of violations, or value of 5527  
the contraband or other property illegally possessed, sold, or 5528  
purchased in the combination of violations exceeds one thousand 5529  
dollars; 5530

(g) Any violation of section 2905.32 of the Revised Code 5531  
to the extent the violation is not based solely on the same 5532  
conduct that constitutes corrupt activity pursuant to division 5533  
(I) (2) (c) of this section due to the conduct being in violation 5534

of section 2907.21 of the Revised Code. 5535

(3) Conduct constituting a violation of any law of any 5536  
state other than this state that is substantially similar to the 5537  
conduct described in division (I)(2) of this section, provided 5538  
the defendant was convicted of the conduct in a criminal 5539  
proceeding in the other state; 5540

(4) Animal or ecological terrorism; 5541

(5) (a) Conduct constituting any of the following: 5542

(i) Organized retail theft; 5543

(ii) Conduct that constitutes one or more violations of 5544  
any law of any state other than this state, that is 5545  
substantially similar to organized retail theft, and that if 5546  
committed in this state would be organized retail theft, if the 5547  
defendant was convicted of or pleaded guilty to the conduct in a 5548  
criminal proceeding in the other state. 5549

(b) By enacting division (I)(5)(a) of this section, it is 5550  
the intent of the general assembly to add organized retail theft 5551  
and the conduct described in division (I)(5)(a)(ii) of this 5552  
section as conduct constituting corrupt activity. The enactment 5553  
of division (I)(5)(a) of this section and the addition by 5554  
division (I)(5)(a) of this section of organized retail theft and 5555  
the conduct described in division (I)(5)(a)(ii) of this section 5556  
as conduct constituting corrupt activity does not limit or 5557  
preclude, and shall not be construed as limiting or precluding, 5558  
any prosecution for a violation of section 2923.32 of the 5559  
Revised Code that is based on one or more violations of section 5560  
2913.02 or 2913.51 of the Revised Code, one or more similar 5561  
offenses under the laws of this state or any other state, or any 5562  
combination of any of those violations or similar offenses, even 5563

though the conduct constituting the basis for those violations 5564  
or offenses could be construed as also constituting organized 5565  
retail theft or conduct of the type described in division (I) (5) 5566  
(a) (ii) of this section. 5567

(J) "Real property" means any real property or any 5568  
interest in real property, including, but not limited to, any 5569  
lease of, or mortgage upon, real property. Real property and any 5570  
beneficial interest in it is deemed to be located where the real 5571  
property is located. 5572

(K) "Trustee" means any of the following: 5573

(1) Any person acting as trustee under a trust in which 5574  
the trustee holds title to personal or real property; 5575

(2) Any person who holds title to personal or real 5576  
property for which any other person has a beneficial interest; 5577

(3) Any successor trustee. 5578

"Trustee" does not include an assignee or trustee for an 5579  
insolvent debtor or an executor, administrator, administrator 5580  
with the will annexed, testamentary trustee, guardian, or 5581  
committee, appointed by, under the control of, or accountable to 5582  
a court. 5583

(L) "Unlawful debt" means any money or other thing of 5584  
value constituting principal or interest of a debt that is 5585  
legally unenforceable in this state in whole or in part because 5586  
the debt was incurred or contracted in violation of any federal 5587  
or state law relating to the business of gambling activity or 5588  
relating to the business of lending money at an usurious rate 5589  
unless the creditor proves, by a preponderance of the evidence, 5590  
that the usurious rate was not intentionally set and that it 5591  
resulted from a good faith error by the creditor, 5592

notwithstanding the maintenance of procedures that were adopted 5593  
by the creditor to avoid an error of that nature. 5594

(M) "Animal activity" means any activity that involves the 5595  
use of animals or animal parts, including, but not limited to, 5596  
hunting, fishing, trapping, traveling, camping, the production, 5597  
preparation, or processing of food or food products, clothing or 5598  
garment manufacturing, medical research, other research, 5599  
entertainment, recreation, agriculture, biotechnology, or 5600  
service activity that involves the use of animals or animal 5601  
parts. 5602

(N) "Animal facility" means a vehicle, building, 5603  
structure, nature preserve, or other premises in which an animal 5604  
is lawfully kept, handled, housed, exhibited, bred, or offered 5605  
for sale, including, but not limited to, a zoo, rodeo, circus, 5606  
amusement park, hunting preserve, or premises in which a horse 5607  
or dog event is held. 5608

(O) "Animal or ecological terrorism" means the commission 5609  
of any felony that involves causing or creating a substantial 5610  
risk of physical harm to any property of another, the use of a 5611  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 5612  
recklessly causing serious physical harm to property and that 5613  
involves an intent to obstruct, impede, or deter any person from 5614  
participating in a lawful animal activity, from mining, 5615  
forestry, harvesting, gathering, or processing natural 5616  
resources, or from being lawfully present in or on an animal 5617  
facility or research facility. 5618

(P) "Research facility" means a place, laboratory, 5619  
institution, medical care facility, government facility, or 5620  
public or private educational institution in which a scientific 5621  
test, experiment, or investigation involving the use of animals 5622



or other living organisms is lawfully carried out, conducted, or 5623  
attempted. 5624

(Q) "Organized retail theft" means the theft of retail 5625  
property with a retail value of one thousand dollars or more 5626  
from one or more retail establishments with the intent to sell, 5627  
deliver, or transfer that property to a retail property fence. 5628

(R) "Retail property" means any tangible personal property 5629  
displayed, held, stored, or offered for sale in or by a retail 5630  
establishment. 5631

(S) "Retail property fence" means a person who possesses, 5632  
procures, receives, or conceals retail property that was 5633  
represented to the person as being stolen or that the person 5634  
knows or believes to be stolen. 5635

(T) "Retail value" means the full retail value of the 5636  
retail property. In determining whether the retail value of 5637  
retail property equals or exceeds one thousand dollars, the 5638  
value of all retail property stolen from the retail 5639  
establishment or retail establishments by the same person or 5640  
persons within any one-hundred-eighty-day period shall be 5641  
aggregated. 5642

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of 5643  
the Revised Code: 5644

(A) "Buyer" means an individual who is solicited to 5645  
purchase or who purchases the services of a credit services 5646  
organization for purposes other than obtaining a business loan 5647  
as described in division (B) (6) of section 1343.01 of the 5648  
Revised Code. 5649

(B) "Consumer reporting agency" has the same meaning as in 5650  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 5651

1681a, as amended. 5652

(C) (1) "Credit services organization" means any person 5653  
that, in return for the payment of money or other valuable 5654  
consideration readily convertible into money for the following 5655  
services, sells, provides, or performs, or represents that the 5656  
person can or will sell, provide, or perform, one or more of the 5657  
following services: 5658

(a) Improving a buyer's credit record, history, or rating; 5659

(b) Obtaining an extension of credit by others for a 5660  
buyer; 5661

(c) Providing advice or assistance to a buyer in 5662  
connection with division (C) (1) (a) or (b) of this section; 5663

(d) Removing adverse credit information that is accurate 5664  
and not obsolete from the buyer's credit record, history, or 5665  
rating; 5666

(e) Altering the buyer's identification to prevent the 5667  
display of the buyer's credit record, history, or rating. 5668

(2) "Credit services organization" does not include any of 5669  
the following: 5670

(a) A person that makes or collects loans, to the extent 5671  
these activities are subject to licensure or registration by 5672  
this state; 5673

(b) A mortgage broker, as defined in section 1322.01 of 5674  
the Revised Code, that holds a valid certificate of registration 5675  
under ~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised 5676  
Code; 5677

(c) A lender approved by the United States secretary of 5678

housing and urban development for participation in a mortgage 5679  
insurance program under the "National Housing Act," 48 Stat. 5680  
1246 (1934), 12 U.S.C.A. 1701, as amended; 5681

(d) A bank, savings bank, or savings and loan association, 5682  
or a subsidiary or an affiliate of a bank, savings bank, or 5683  
savings and loan association. For purposes of division (C) (2) (d) 5684  
of this section, "affiliate" has the same meaning as in division 5685  
(A) of section 1101.01 of the Revised Code and "bank," as used 5686  
in division (A) of section 1101.01 of the Revised Code, is 5687  
deemed to include a savings bank or savings and loan 5688  
association. 5689

(e) A credit union organized and qualified under Chapter 5690  
1733. of the Revised Code or the "Federal Credit Union Act," 84 5691  
Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 5692

(f) A budget and debt counseling service, as defined in 5693  
division (D) of section 2716.03 of the Revised Code, provided 5694  
that the service is a nonprofit organization exempt from 5695  
taxation under section 501(c) (3) of the "Internal Revenue Code 5696  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 5697  
the service is in compliance with Chapter 4710. of the Revised 5698  
Code; 5699

(g) A consumer reporting agency that is in substantial 5700  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 5701  
15 U.S.C.A. 1681a, as amended. 5702

(h) A mortgage banker; 5703

(i) Any political subdivision, or any governmental or 5704  
other public entity, corporation, or agency, in or of the United 5705  
States or any state of the United States; 5706

(j) A college or university, or controlled entity of a 5707

college or university, as defined in section 1713.05 of the Revised Code;

(k) A motor vehicle dealer licensed pursuant to Chapter 4517. of the Revised Code acting within the scope and authority of that license or a motor vehicle auction owner licensed pursuant to Chapters 4517. and 4707. of the Revised Code acting within the scope and authority of that license;

(l) An attorney at law admitted to the practice of law in this state who offers, provides, or performs a legal service that is privileged by reason of the attorney-client relationship, provided that the service is not a service described in division (C) (1) (b) or (e) of this section.

(D) "Extension of credit" means the right to defer payment of debt, or to incur debt and defer its payment, offered or granted primarily for personal, family, or household purposes. "Extension of credit" does not include a mortgage.

(E) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.

(F) "Mortgage banker" means any person that makes, services, or buys and sells mortgage loans and is approved by the United States department of housing and urban development, the United States department of veterans affairs, the federal national mortgage association, or the federal home loan mortgage corporation.

(G) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 of the Revised Code:

(1) "Affiliate" means a business entity that is owned by, 5737  
operated by, controlled by, or under common control with another 5738  
business entity. 5739

(2) "Communication" means a written or oral notification 5740  
or advertisement that meets both of the following criteria, as 5741  
applicable: 5742

(a) The notification or advertisement is transmitted by or 5743  
on behalf of the seller of goods or services and by or through 5744  
any printed, audio, video, cinematic, telephonic, or electronic 5745  
means. 5746

(b) In the case of a notification or advertisement other 5747  
than by telephone, either of the following conditions is met: 5748

(i) The notification or advertisement is followed by a 5749  
telephone call from a telephone solicitor or salesperson. 5750

(ii) The notification or advertisement invites a response 5751  
by telephone, and, during the course of that response, a 5752  
telephone solicitor or salesperson attempts to make or makes a 5753  
sale of goods or services. As used in division (A) (2) (b) (ii) of 5754  
this section, "invites a response by telephone" excludes the 5755  
mere listing or inclusion of a telephone number in a 5756  
notification or advertisement. 5757

(3) "Gift, award, or prize" means anything of value that 5758  
is offered or purportedly offered, or given or purportedly given 5759  
by chance, at no cost to the receiver and with no obligation to 5760  
purchase goods or services. As used in this division, "chance" 5761  
includes a situation in which a person is guaranteed to receive 5762  
an item and, at the time of the offer or purported offer, the 5763  
telephone solicitor does not identify the specific item that the 5764  
person will receive. 5765

(4) "Goods or services" means any real property or any tangible or intangible personal property, or services of any kind provided or offered to a person. "Goods or services" includes, but is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so attached or installed; timeshare estates or licenses; and extended service contracts.

(5) "Purchaser" means a person that is solicited to become or does become financially obligated as a result of a telephone solicitation.

(6) "Salesperson" means an individual who is employed, appointed, or authorized by a telephone solicitor to make telephone solicitations but does not mean any of the following:

(a) An individual who comes within one of the exemptions in division (B) of this section;

(b) An individual employed, appointed, or authorized by a person who comes within one of the exemptions in division (B) of this section;

(c) An individual under a written contract with a person who comes within one of the exemptions in division (B) of this section, if liability for all transactions with purchasers is assumed by the person so exempted.

(7) "Telephone solicitation" means a communication to a person that meets both of the following criteria:

(a) The communication is initiated by or on behalf of a telephone solicitor or by a salesperson.

(b) The communication either represents a price or the

quality or availability of goods or services or is used to 5794  
induce the person to purchase goods or services, including, but 5795  
not limited to, inducement through the offering of a gift, 5796  
award, or prize. 5797

(8) "Telephone solicitor" means a person that engages in 5798  
telephone solicitation directly or through one or more 5799  
salespersons either from a location in this state, or from a 5800  
location outside this state to persons in this state. "Telephone 5801  
solicitor" includes, but is not limited to, any such person that 5802  
is an owner, operator, officer, or director of, partner in, or 5803  
other individual engaged in the management activities of, a 5804  
business. 5805

(B) A telephone solicitor is exempt from the provisions of 5806  
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 5807  
Code if the telephone solicitor is any one of the following: 5808

(1) A person engaging in a telephone solicitation that is 5809  
a one-time or infrequent transaction not done in the course of a 5810  
pattern of repeated transactions of a like nature; 5811

(2) A person engaged in telephone solicitation solely for 5812  
religious or political purposes; a charitable organization, 5813  
fund-raising counsel, or professional solicitor in compliance 5814  
with the registration and reporting requirements of Chapter 5815  
1716. of the Revised Code; or any person or other entity exempt 5816  
under section 1716.03 of the Revised Code from filing a 5817  
registration statement under section 1716.02 of the Revised 5818  
Code; 5819

(3) A person, making a telephone solicitation involving a 5820  
home solicitation sale as defined in section 1345.21 of the 5821  
Revised Code, that makes the sales presentation and completes 5822

the sale at a later, face-to-face meeting between the seller and 5823  
the purchaser rather than during the telephone solicitation. 5824  
However, if the person, following the telephone solicitation, 5825  
causes another person to collect the payment of any money, this 5826  
exemption does not apply. 5827

(4) A licensed securities, commodities, or investment 5828  
broker, dealer, investment advisor, or associated person when 5829  
making a telephone solicitation within the scope of the person's 5830  
license. As used in division (B) (4) of this section, "licensed 5831  
securities, commodities, or investment broker, dealer, 5832  
investment advisor, or associated person" means a person subject 5833  
to licensure or registration as such by the securities and 5834  
exchange commission; the National Association of Securities 5835  
Dealers or other self-regulatory organization, as defined by 15 5836  
U.S.C.A. 78c; by the division of securities under Chapter 1707. 5837  
of the Revised Code; or by an official or agency of any other 5838  
state of the United States. 5839

(5) (a) A person primarily engaged in soliciting the sale 5840  
of a newspaper of general circulation; 5841

(b) As used in division (B) (5) (a) of this section, 5842  
"newspaper of general circulation" includes, but is not limited 5843  
to, both of the following: 5844

(i) A newspaper that is a daily law journal designated as 5845  
an official publisher of court calendars pursuant to section 5846  
2701.09 of the Revised Code; 5847

(ii) A newspaper or publication that has at least twenty- 5848  
five per cent editorial, non-advertising content, exclusive of 5849  
inserts, measured relative to total publication space, and an 5850  
audited circulation to at least fifty per cent of the households 5851



in the newspaper's retail trade zone as defined by the audit. 5852

(6) (a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply: 5853  
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(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g) (2) (A), (B), (C), (E), (F), (G), or (H); 5855  
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(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system; 5859  
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(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a) (4). 5862  
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(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B) (6) (a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B) (6) (a) of this section. As used in division (B) (6) (b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary. 5864  
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(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et seq. and the registration or temporary registration has not expired or been suspended or revoked; 5874  
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(8) A person soliciting the sale of any book, record, 5880

audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a full refund within thirty days to a purchaser who returns the merchandise or if the person solicits the sale on behalf of a membership club operating in compliance with regulations adopted by the federal trade commission in 16 C.F.R. 425;

(9) A supervised financial institution or its subsidiary. As used in division (B) (9) of this section, "supervised financial institution" means a bank, trust company, savings and loan association, savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender, or institution described in section 2(c) (2) (F) of the "Bank Holding Company Act of 1956," 12 U.S.C.A. 1841(c) (2) (F), as amended, supervised by an official or agency of the United States, this state, or any other state of the United States; or a licensee or registrant under sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 1321.83, or Chapter 1322. of the Revised Code.

(10) (a) An insurance company, association, or other organization that is licensed or authorized to conduct business in this state by the superintendent of insurance pursuant to Title XXXIX of the Revised Code or Chapter 1751. of the Revised Code, when soliciting within the scope of its license or authorization.

(b) A licensed insurance broker, agent, or solicitor when soliciting within the scope of the person's license. As used in division (B) (10) (b) of this section, "licensed insurance broker, agent, or solicitor" means any person licensed as an insurance broker, agent, or solicitor by the superintendent of insurance

pursuant to Title XXXIX of the Revised Code. 5911

(11) A person soliciting the sale of services provided by 5912  
a cable television system operating under authority of a 5913  
governmental franchise or permit; 5914

(12) A person soliciting a business-to-business sale under 5915  
which any of the following conditions are met: 5916

(a) The telephone solicitor has been operating 5917  
continuously for at least three years under the same business 5918  
name under which it solicits purchasers, and at least fifty-one 5919  
per cent of its gross dollar volume of sales consists of repeat 5920  
sales to existing customers to whom it has made sales under the 5921  
same business name. 5922

(b) The purchaser business intends to resell the goods 5923  
purchased. 5924

(c) The purchaser business intends to use the goods or 5925  
services purchased in a recycling, reuse, manufacturing, or 5926  
remanufacturing process. 5927

(d) The telephone solicitor is a publisher of a periodical 5928  
or of magazines distributed as controlled circulation 5929  
publications as defined in division (CC) of section 5739.01 of 5930  
the Revised Code and is soliciting sales of advertising, 5931  
subscriptions, reprints, lists, information databases, 5932  
conference participation or sponsorships, trade shows or media 5933  
products related to the periodical or magazine, or other 5934  
publishing services provided by the controlled circulation 5935  
publication. 5936

(13) A person that, not less often than once each year, 5937  
publishes and delivers to potential purchasers a catalog that 5938  
complies with both of the following: 5939

- (a) It includes all of the following: 5940
- (i) The business address of the seller; 5941
  - (ii) A written description or illustration of each good or service offered for sale; 5942  
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  - (iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy. 5944  
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- (b) One of the following applies: 5947
- (i) The catalog includes at least twenty-four pages of written material and illustrations, is distributed in more than one state, and has an annual postage-paid mail circulation of not less than two hundred fifty thousand households; 5948  
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  - (ii) The catalog includes at least ten pages of written material or an equivalent amount of material in electronic form on the internet or an on-line computer service, the person does not solicit customers by telephone but solely receives telephone calls made in response to the catalog, and during the calls the person takes orders but does not engage in further solicitation of the purchaser. As used in division (B) (13) (b) (ii) of this section, "further solicitation" does not include providing the purchaser with information about, or attempting to sell, any other item in the catalog that prompted the purchaser's call or in a substantially similar catalog issued by the seller. 5952  
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- (14) A political subdivision or instrumentality of the United States, this state, or any state of the United States; 5963  
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- (15) A college or university or any other public or private institution of higher education in this state; 5965  
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- (16) A public utility as defined in section 4905.02 of the 5967

Revised Code or a retail natural gas supplier as defined in 5968  
section 4929.01 of the Revised Code, if the utility or supplier 5969  
is subject to regulation by the public utilities commission, or 5970  
the affiliate of the utility or supplier; 5971

(17) A person that solicits sales through a television 5972  
program or advertisement that is presented in the same market 5973  
area no fewer than twenty days per month or offers for sale no 5974  
fewer than ten distinct items of goods or services; and offers 5975  
to the purchaser an unconditional right to return any good or 5976  
service purchased within a period of at least seven days and to 5977  
receive a full refund within thirty days after the purchaser 5978  
returns the good or cancels the service; 5979

(18) (a) A person that, for at least one year, has been 5980  
operating a retail business under the same name as that used in 5981  
connection with telephone solicitation and both of the following 5982  
occur on a continuing basis: 5983

(i) The person either displays goods and offers them for 5984  
retail sale at the person's business premises or offers services 5985  
for sale and provides them at the person's business premises. 5986

(ii) At least fifty-one per cent of the person's gross 5987  
dollar volume of retail sales involves purchases of goods or 5988  
services at the person's business premises. 5989

(b) An affiliate of a person that meets the requirements 5990  
in division (B) (18) (a) of this section if the affiliate meets 5991  
all of the following requirements: 5992

(i) The affiliate has operated a retail business for a 5993  
period of less than one year; 5994

(ii) The affiliate either displays goods and offers them 5995  
for retail sale at the affiliate's business premises or offers 5996

services for sale and provides them at the affiliate's business premises; 5997  
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(iii) At least fifty-one per cent of the affiliate's gross dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises. 5999  
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(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met: 6002  
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(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises; 6006  
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(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises; 6009  
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(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310. 6014  
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(19) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies: 6018  
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(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of 6021  
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this section. 6026

(b) The person is an affiliate of one or more exempt 6027  
persons and makes telephone solicitations on behalf of only the 6028  
exempt persons of which it is an affiliate. 6029

(c) The person makes telephone solicitations on behalf of 6030  
only exempt persons, the person and each exempt person on whose 6031  
behalf telephone solicitations are made have entered into a 6032  
written contract that specifies the manner in which the 6033  
telephone solicitations are to be conducted and that at a 6034  
minimum requires compliance with the telemarketing sales rule 6035  
adopted by the federal trade commission in 16 C.F.R. part 310, 6036  
and the person conducts the telephone solicitations in the 6037  
manner specified in the written contract. 6038

(d) The person performs telephone solicitation for 6039  
religious or political purposes, a charitable organization, a 6040  
fund-raising council, or a professional solicitor in compliance 6041  
with the registration and reporting requirements of Chapter 6042  
1716. of the Revised Code; and meets all of the following 6043  
requirements: 6044

(i) The person has operated under the same ownership, 6045  
control, and business name for at least five years, and the 6046  
person receives at least fifty-one per cent of its gross 6047  
revenues from written telephone solicitation contracts with 6048  
persons who come within the exemption in division (B) (2) of this 6049  
section; 6050

(ii) The person does not conduct a prize promotion or 6051  
offer the sale of an investment opportunity; 6052

(iii) The person conducts all telephone solicitation 6053  
activities according to sections 310.3, 310.4, and 310.5 of the 6054

telemarketing sales rules adopted by the federal trade 6055  
commission in 16 C.F.R. part 310. 6056

(20) A person that is a licensed real estate salesperson 6057  
or broker under Chapter 4735. of the Revised Code when 6058  
soliciting within the scope of the person's license; 6059

(21) (a) Either of the following: 6060

(i) A publisher that solicits the sale of the publisher's 6061  
periodical or magazine of general, paid circulation, or a person 6062  
that solicits a sale of that nature on behalf of a publisher 6063  
under a written agreement directly between the publisher and the 6064  
person. 6065

(ii) A publisher that solicits the sale of the publisher's 6066  
periodical or magazine of general, paid circulation, or a person 6067  
that solicits a sale of that nature as authorized by a publisher 6068  
under a written agreement directly with a publisher's 6069  
clearinghouse provided the person is a resident of Ohio for more 6070  
than three years and initiates all telephone solicitations from 6071  
Ohio and the person conducts the solicitation and sale in 6072  
compliance with 16 C.F.R. part 310, as adopted by the federal 6073  
trade commission. 6074

(b) As used in division (B) (21) of this section, 6075  
"periodical or magazine of general, paid circulation" excludes a 6076  
periodical or magazine circulated only as part of a membership 6077  
package or given as a free gift or prize from the publisher or 6078  
person. 6079

(22) A person that solicits the sale of food, as defined 6080  
in section 3715.01 of the Revised Code, or the sale of products 6081  
of horticulture, as defined in section 5739.01 of the Revised 6082  
Code, if the person does not intend the solicitation to result 6083



in, or the solicitation actually does not result in, a sale that 6084  
costs the purchaser an amount greater than five hundred dollars. 6085

(23) A funeral director licensed pursuant to Chapter 4717. 6086  
of the Revised Code when soliciting within the scope of that 6087  
license, if both of the following apply: 6088

(a) The solicitation and sale are conducted in compliance 6089  
with 16 C.F.R. part 453, as adopted by the federal trade 6090  
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 6091  
the Revised Code; 6092

(b) The person provides to the purchaser of any preneed 6093  
funeral contract a notice that clearly and conspicuously sets 6094  
forth the cancellation rights specified in division (G) of 6095  
section 1107.33 of the Revised Code, and retains a copy of the 6096  
notice signed by the purchaser. 6097

(24) A person, or affiliate thereof, licensed to sell or 6098  
issue Ohio instruments designated as travelers checks pursuant 6099  
to sections 1315.01 to 1315.18 of the Revised Code. 6100

(25) A person that solicits sales from its previous 6101  
purchasers and meets all of the following requirements: 6102

(a) The solicitation is made under the same business name 6103  
that was previously used to sell goods or services to the 6104  
purchaser; 6105

(b) The person has, for a period of not less than three 6106  
years, operated a business under the same business name as that 6107  
used in connection with telephone solicitation; 6108

(c) The person does not conduct a prize promotion or offer 6109  
the sale of an investment opportunity; 6110

(d) The person conducts all telephone solicitation 6111

activities according to sections 310.3, 310.4, and 310.5 of the 6112  
telemarketing sales rules adopted by the federal trade 6113  
commission in 16 C.F.R. part 310; 6114

(e) Neither the person nor any of its principals has been 6115  
convicted of, pleaded guilty to, or has entered a plea of no 6116  
contest for a felony or a theft offense as defined in sections 6117  
2901.02 and 2913.01 of the Revised Code or similar law of 6118  
another state or of the United States; 6119

(f) Neither the person nor any of its principals has had 6120  
entered against them an injunction or a final judgment or order, 6121  
including an agreed judgment or order, an assurance of voluntary 6122  
compliance, or any similar instrument, in any civil or 6123  
administrative action involving engaging in a pattern of corrupt 6124  
practices, fraud, theft, embezzlement, fraudulent conversion, or 6125  
misappropriation of property; the use of any untrue, deceptive, 6126  
or misleading representation; or the use of any unfair, 6127  
unlawful, deceptive, or unconscionable trade act or practice. 6128

(26) An institution defined as a home health agency in 6129  
section 3701.881 of the Revised Code, that conducts all 6130  
telephone solicitation activities according to sections 310.3, 6131  
310.4, and 310.5 of the telemarketing sales rules adopted by the 6132  
federal trade commission in 16 C.F.R. part 310, and engages in 6133  
telephone solicitation only within the scope of the 6134  
institution's certification, accreditation, contract with the 6135  
department of aging, or status as a home health agency; and that 6136  
meets one of the following requirements: 6137

(a) The institution is certified as a provider of home 6138  
health services under Title XVIII of the Social Security Act, 49 6139  
Stat. 620, 42 U.S.C. 301, as amended; 6140

(b) The institution is accredited by either the joint 6141  
commission on accreditation of health care organizations or the 6142  
community health accreditation program; 6143

(c) The institution is providing PASSPORT services under 6144  
the direction of the department of aging under sections 173.52 6145  
to 173.523 of the Revised Code; 6146

(d) An affiliate of an institution that meets the 6147  
requirements of division (B) (26) (a), (b), or (c) of this section 6148  
when offering for sale substantially the same goods and services 6149  
as those that are offered by the institution that meets the 6150  
requirements of division (B) (26) (a), (b), or (c) of this 6151  
section. 6152

(27) A person licensed by the department of health 6153  
pursuant to section 3712.04 or 3712.041 of the Revised Code to 6154  
provide a hospice care program or pediatric respite care program 6155  
when conducting telephone solicitations within the scope of the 6156  
person's license and according to sections 310.3, 310.4, and 6157  
310.5 of the telemarketing sales rules adopted by the federal 6158  
trade commission in 16 C.F.R. part 310. 6159

**Sec. 4728.11.** This chapter does not apply to any of the 6160  
following: 6161

(A) Any purchase of an article that is made of or contains 6162  
gold, silver, platinum, or other precious metals or jewels of 6163  
any description if both the buyer and seller, or the respective 6164  
agents, brokers, or other intermediaries of both the buyer and 6165  
seller, deal in such articles or otherwise by their respective 6166  
occupations, or by their respective avocations as collectors, 6167  
speculators, or investors, hold themselves out as having 6168  
knowledge or skill peculiar to such articles or the practices 6169

involved in their purchase or sale; 6170

(B) Licensees who obtain licenses under sections 1321.01 6171  
to 1321.19 of the Revised Code ~~or,~~ registrants who obtain 6172  
certificates of registration under sections 1321.51 to 1321.60 6173  
of the Revised Code, or persons registered as mortgage lenders 6174  
under Chapter 1322. of the Revised Code; 6175

(C) National banks, state banks, credit unions, or savings 6176  
and loan associations; 6177

(D) The holder of a salvage motor vehicle dealer's license 6178  
under Chapter 4738. of the Revised Code who purchases or sells 6179  
precious metal which, in its original form, is a motor vehicle 6180  
component part, or a scrap metal processor subject to Chapter 6181  
4737. of the Revised Code; 6182

(E) Any purchase of silverware or an article of jewelry 6183  
made of or containing gold, silver, platinum, or other precious 6184  
metals or jewels that is made by a person who complies with all 6185  
of the following: 6186

(1) The person is engaged in the business of selling, at 6187  
retail, articles of jewelry and silverware; 6188

(2) The person holds a valid vendor's license issued under 6189  
section 5739.17 of the Revised Code; 6190

(3) The person maintains a fixed place of business in this 6191  
state at which the person regularly exhibits articles of jewelry 6192  
and silverware that are for sale at retail; 6193

(4) The person establishes to the satisfaction of the 6194  
superintendent of financial institutions or the chief or head of 6195  
the local police department, upon their request, that the 6196  
person's purchases of silverware and articles of jewelry that 6197

are made of or contain gold, silver, platinum, or other precious metals or jewels are incidental to the person's primary business as described in division (E)(1) of this section. Such purchases are "incidental" if:

(a) In the case of a person who has been in business for less than one year, the average monthly value of the person's purchases of jewelry from the public represents less than twenty-five per cent of the person's total inventory of articles of jewelry held for sale at retail to the public, as computed under section 5711.15 of the Revised Code;

(b) In the case of a person who has been in business for at least one year, the total value of the person's purchases of jewelry from the public represents less than twenty-five per cent of the person's total retail sales of articles of jewelry to the public during the immediately preceding year;

(c) The purchases are of items described in division (F) of this section.

(F) Any purchase of coins, hallmark bars, registered ingots, and other items as numismatic objects, and not for their content of precious metals.

(G) Any purchase made under the supervision of a probate court from the estate of a decedent as provided under section 2113.40 of the Revised Code.

(H) Except as specified in division (B) of section 4728.02 of the Revised Code, any person licensed under Chapter 4727. of the Revised Code.

**Sec. 4735.05.** (A) The Ohio real estate commission is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of

the commission, or the director may designate any employee of 6227  
the department as superintendent of real estate and professional 6228  
licensing to act as executive officer of the commission. 6229

The commission and the real estate appraiser board created 6230  
pursuant to section 4763.02 of the Revised Code shall each 6231  
submit to the director a list of three persons whom the 6232  
commission and the board consider qualified to be superintendent 6233  
within sixty days after the office of superintendent becomes 6234  
vacant. The director shall appoint a superintendent from the 6235  
lists submitted by the commission and the board, and the 6236  
superintendent shall serve at the pleasure of the director. 6237

(B) The superintendent, except as otherwise provided, 6238  
shall do all of the following in regard to this chapter: 6239

(1) Administer this chapter; 6240

(2) Issue all orders necessary to implement this chapter; 6241

(3) Investigate complaints concerning the violation of 6242  
this chapter or the conduct of any licensee; 6243

(4) Establish and maintain an investigation and audit 6244  
section to investigate complaints and conduct inspections, 6245  
audits, and other inquiries as in the judgment of the 6246  
superintendent are appropriate to enforce this chapter. The 6247  
investigators or auditors have the right to review and audit the 6248  
business records of licensees and continuing education course 6249  
providers during normal business hours. 6250

(5) Appoint a hearing examiner for any proceeding 6251  
involving disciplinary action under section 3123.47, 4735.052, 6252  
or 4735.18 of the Revised Code; 6253

(6) Administer the real estate recovery fund. 6254

(C) The superintendent may do all of the following: 6255

(1) In connection with investigations and audits under 6256  
division (B) of this section, subpoena witnesses as provided in 6257  
section 4735.04 of the Revised Code; 6258

(2) Apply to the appropriate court to enjoin any violation 6259  
of this chapter. Upon a showing by the superintendent that any 6260  
person has violated or is about to violate any provision of this 6261  
chapter, the court shall grant an injunction, restraining order, 6262  
or other appropriate order. 6263

(3) Upon the death of a licensed broker or the revocation 6264  
or suspension of the broker's license, if there is no other 6265  
licensed broker within the business entity of the broker, 6266  
appoint upon application by any interested party, or, in the 6267  
case of a deceased broker, subject to the approval by the 6268  
appropriate probate court, recommend the appointment of, an 6269  
ancillary trustee who is qualified as determined by the 6270  
superintendent to conclude the business transactions of the 6271  
deceased, revoked, or suspended broker; 6272

(4) In conjunction with the enforcement of this chapter, 6273  
when the superintendent of real estate has reasonable cause to 6274  
believe that an applicant or licensee has committed a criminal 6275  
offense, the superintendent of real estate may request the 6276  
superintendent of the bureau of criminal identification and 6277  
investigation to conduct a criminal records check of the 6278  
applicant or licensee. The superintendent of the bureau of 6279  
criminal identification and investigation shall obtain 6280  
information from the federal bureau of investigation as part of 6281  
the criminal records check of the applicant or licensee. The 6282  
superintendent of real estate may assess the applicant or 6283  
licensee a fee equal to the fee assessed for the criminal 6284

records check. 6285

(5) In conjunction with the enforcement of this chapter, 6286  
issue advisory letters in lieu of initiating disciplinary action 6287  
under section 4735.051 or 4735.052 of the Revised Code or 6288  
issuing a citation under section 4735.16 or 4735.181 of the 6289  
Revised Code. 6290

(D) All information that is obtained by investigators and 6291  
auditors performing investigations or conducting inspections, 6292  
audits, and other inquiries pursuant to division (B) (4) of this 6293  
section, from licensees, complainants, or other persons, and all 6294  
reports, documents, and other work products that arise from that 6295  
information and that are prepared by the investigators, 6296  
auditors, or other personnel of the department, shall be held in 6297  
confidence by the superintendent, the investigators and 6298  
auditors, and other personnel of the department. Notwithstanding 6299  
division (D) of section 2317.023 of the Revised Code, all 6300  
information obtained by investigators or auditors from an 6301  
informal mediation meeting held pursuant to section 4735.051 of 6302  
the Revised Code, including but not limited to the agreement to 6303  
mediate and the accommodation agreement, shall be held in 6304  
confidence by the superintendent, investigators, auditors, and 6305  
other personnel of the department. 6306

(E) This section does not prevent the division of real 6307  
estate and professional licensing from releasing information 6308  
relating to licensees to the superintendent of financial 6309  
institutions for purposes relating to the administration of 6310  
~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code, 6311  
to the superintendent of insurance for purposes relating to the 6312  
administration of Chapter 3953. of the Revised Code, to the 6313  
attorney general, or to local law enforcement agencies and local 6314



prosecutors. Information released by the division pursuant to 6315  
this section remains confidential. 6316

**Sec. 4763.03.** (A) In addition to any other duties imposed 6317  
on the real estate appraiser board under this chapter, the board 6318  
shall: 6319

(1) Adopt rules, in accordance with Chapter 119. of the 6320  
Revised Code, in furtherance of this chapter, including, but not 6321  
limited to, all of the following: 6322

(a) Defining, with respect to state-certified general real 6323  
estate appraisers, state-certified residential real estate 6324  
appraisers, and state-licensed residential real estate 6325  
appraisers, the type of educational experience, appraisal 6326  
experience, and other equivalent experience that satisfy the 6327  
requirements of this chapter. The rules shall require that all 6328  
appraisal experience performed after January 1, 1996, meet the 6329  
uniform standards of professional practice established by the 6330  
appraisal foundation. 6331

(b) Establishing the examination specifications for state- 6332  
certified general real estate appraisers, state-certified 6333  
residential real estate appraisers, and state-licensed 6334  
residential real estate appraisers; 6335

(c) Relating to disciplinary proceedings conducted in 6336  
accordance with section 4763.11 of the Revised Code, including 6337  
rules governing the reinstatement of certificates, 6338  
registrations, and licenses that have been suspended pursuant to 6339  
those proceedings; 6340

(d) Identifying any additional information to be included 6341  
on the forms specified in division (C) of section 4763.12 of the 6342  
Revised Code, provided that the rules shall not require any less 6343

information than is required in that division; 6344

(e) Establishing the fees set forth in section 4763.09 of 6345  
the Revised Code; 6346

(f) Establishing the amount of the assessment required by 6347  
division (A) (2) of section 4763.05 of the Revised Code. The 6348  
board annually shall determine the amount due from each 6349  
applicant for an initial certificate, registration, and license 6350  
in an amount that will maintain the real estate appraiser 6351  
recovery fund at the level specified in division (A) of section 6352  
4763.16 of the Revised Code. The board may, if the fund falls 6353  
below that amount, require current certificate holders, 6354  
registrants, and licensees to pay an additional assessment. 6355

(g) Defining the educational requirements pursuant to 6356  
division (C) of section 4763.05 of the Revised Code; 6357

(h) Establishing a real estate appraiser assistant program 6358  
for the registration of real estate appraiser assistants. 6359

(2) Prescribe by rule the requirements for the 6360  
examinations required by division (D) of section 4763.05 of the 6361  
Revised Code; 6362

(3) Periodically review the standards for the development 6363  
and reporting of appraisal reports provided in this chapter and 6364  
adopt rules explaining and interpreting those standards; 6365

(4) Hear appeals, pursuant to Chapter 119. of the Revised 6366  
Code, from decisions and orders the superintendent of real 6367  
estate issues pursuant to this chapter; 6368

(5) Request the initiation by the superintendent of 6369  
investigations of violations of this chapter or the rules 6370  
adopted pursuant thereto, as the board determines appropriate; 6371

- (6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code. 6372  
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- (B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall: 6376  
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- (1) Prescribe the form and content of all applications required by this chapter; 6379  
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- (2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications; 6381  
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- (3) Retain records and all application materials submitted to the superintendent; 6385  
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- (4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code; 6387  
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- (5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter; 6390  
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- (6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter; 6394  
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- (7) Administer this chapter; 6396
- (8) Issue all orders necessary to implement this chapter; 6397
- (9) Investigate complaints, upon the superintendent's own 6398

motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter;

(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B) (4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this division.

(11) Appoint a referee or examiner for any proceeding involving the disciplinary action of a certificate holder, licensee, or registrant under section 4763.11 of the Revised Code;

(12) Administer the real estate appraiser recovery fund;

(13) Conduct the examinations required by division (D) of section 4763.05 of the Revised Code at least four times per year.

(C) The superintendent may do all of the following:

(1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4763.04 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation

of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other appropriate relief, or any combination thereof.

(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(10) of this section, from certificate holders, registrants, licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department of commerce, shall be held in confidence by the superintendent, the investigators and auditors, and other personnel of the department.

(E) This section does not prevent the division of real estate and professional licensing from releasing information relating to certificate holders, registrants, and licensees to the superintendent of financial institutions for purposes relating to the administration of ~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the attorney general, or to local law enforcement agencies and local prosecutors. Information released by the division pursuant to this section remains confidential.

(F) Any rule the board adopts shall not exceed the requirements specified in federal law or regulations.

**Section 2.** That existing sections 9.02, 109.572, 1181.21, 1181.25, 1315.21, 1319.12, 1321.02, 1321.51, 1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.58, 1321.59, 1321.60,

1321.631, 1321.72, 1321.99, 1322.01, 1322.02, 1322.021, 6458  
1322.023, 1322.024, 1322.025, 1322.03, 1322.031, 1322.04, 6459  
1322.041, 1322.042, 1322.043, 1322.05, 1322.051, 1322.052, 6460  
1322.06, 1322.061, 1322.065, 1322.07, 1322.072, 1322.073, 6461  
1322.074, 1322.075, 1322.081, 1322.09, 1322.10, 1322.101, 6462  
1322.11, 1322.12, 1322.99, 1329.71, 1335.02, 1345.01, 1349.27, 6463  
1349.43, 1349.44, 1349.45, 1349.99, 2923.31, 4712.01, 4719.01, 6464  
4728.11, 4735.05, and 4763.03 and sections 1321.521, 1321.522, 6465  
1321.531, 1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 6466  
1321.537, 1321.538, 1321.552, 1321.592, 1321.593, 1321.594, 6467  
1322.022, 1322.062, 1322.063, 1322.064, 1322.071, and 1322.08 of 6468  
the Revised Code are hereby repealed. 6469

**Section 3.** (A) The Superintendent of Financial 6470  
Institutions may take actions necessary to ensure full 6471  
compliance with this act, including actions to facilitate the 6472  
transition of existing registrants and licensees and those 6473  
persons holding valid letters of exemption as of the effective 6474  
date of this act. 6475

(B) Persons holding a valid mortgage lender certificate of 6476  
registration or mortgage loan originator license issued under 6477  
sections 1321.51 to 1321.60 of the Revised Code as of the 6478  
effective date of this act and persons holding a valid mortgage 6479  
broker certificate of registration or loan originator license 6480  
issued under Chapter 1322. of the Revised Code as of the 6481  
effective date of this act, shall not be required to be 6482  
registered or licensed under section 1322.07 or 1322.20 of the 6483  
Revised Code, as amended by this act, until the first renewal of 6484  
that certificate of registration or license after that date. The 6485  
Superintendent may treat the applications submitted by those 6486  
persons as renewal applications, and may use prior application 6487  
materials as the basis for issuing registrations, licenses, and 6488

letters of exemption after the effective date of this act. 6489

**Section 4.** The General Assembly, applying the principle 6490  
stated in division (B) of section 1.52 of the Revised Code that 6491  
amendments are to be harmonized if reasonably capable of 6492  
simultaneous operation, finds that the following sections, 6493  
presented in this act as composites of the sections as amended 6494  
by the acts indicated, are the resulting versions of the 6495  
sections in effect prior to the effective date of the sections 6496  
as presented in this act: 6497

Sections 1322.03 and 1322.031 of the Revised Code as 6498  
amended by Am. Sub. H.B. 487 of the 129th General Assembly and 6499  
Am. Sub. H.B. 483 of the 130th General Assembly. 6500

Section 2923.31 of the Revised Code as amended by both Am. 6501  
Sub. H.B. 386 and Am. Sub. H.B. 262 of the 129th General 6502  
Assembly. 6503