

**As Reported by the House Financial Institutions, Housing, and Urban  
Development Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

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

**Representative Blessing**

**Cosponsors: Representatives Seitz, Wiggam, Sprague, Brenner, Hughes, Dever**

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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, 1321.72, 1321.99, 4  
1322.01, 1322.02, 1322.021, 1322.023, 1322.024, 5  
1322.025, 1322.03, 1322.031, 1322.04, 1322.041, 6  
1322.042, 1322.043, 1322.05, 1322.051, 1322.052, 7  
1322.06, 1322.061, 1322.065, 1322.07, 1322.072, 8  
1322.073, 1322.074, 1322.075, 1322.081, 1322.09, 9  
1322.10, 1322.11, 1322.12, 1322.99, 1329.71, 10  
1335.02, 1345.01, 1349.27, 1349.43, 1349.44, 11  
1349.45, 1349.99, 2923.31, 4712.01, 4719.01, 12  
4728.11, 4735.05, and 4763.03; to amend, for the 13  
purpose of adopting new section numbers as 14  
indicated in parentheses, sections 1322.02 15  
(1322.07), 1322.021 (1322.16), 1322.023 16  
(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 and 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. 43

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

**Section 1.** That sections 9.02, 109.572, 1181.21, 1181.25, 44  
1315.21, 1319.12, 1321.02, 1321.51, 1321.52, 1321.53, 1321.54, 45  
1321.55, 1321.551, 1321.57, 1321.58, 1321.59, 1321.593, 1321.60, 46  
1321.72, 1321.99, 1322.01, 1322.02, 1322.021, 1322.023, 47  
1322.024, 1322.025, 1322.03, 1322.031, 1322.04, 1322.041, 48  
1322.042, 1322.043, 1322.05, 1322.051, 1322.052, 1322.06, 49

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

**Sec. 9.02.** (A) As used in this section: 68

(1) "Customer" means any person or authorized 69  
representative of that person who has maintained or is 70  
maintaining an account or deposit of any type, or has utilized 71  
or is utilizing any service of a financial institution, or for 72  
whom a financial institution has acted or is acting as a 73  
fiduciary in relation to an account or deposit maintained in the 74  
person's name. 75

(2) "Governmental authority" includes the state, any 76  
political subdivision, district, or court, and any agency, 77  
department, officer, or authorized employee of any of those 78  
entities. 79

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

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

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

(B) Any party, including a governmental authority, that requires or requests a financial institution to assemble or provide a customer's financial records in connection with any investigation, action, or proceeding shall pay the financial institution for all actual and necessary costs directly incurred in searching for, reproducing, or transporting these records, if the financial institution is not a party to the investigation, action, or proceeding, is not a subject of supervisory review in the investigation, action, or proceeding, or is a party to the investigation, action, or proceeding solely by reason of its holding of assets of another party defendant, with no cause of action alleged against the financial institution. This payment

shall be made to the financial institution promptly, whether or 110  
not the financial records are entered into evidence. If the 111  
records are produced pursuant to a court order or subpoena duces 112  
tecum, the party requesting the order or subpoena is responsible 113  
for making the payment. With respect to any judicial or 114  
administrative proceeding for which the records are requested, 115  
payment of these costs shall be in addition to any witness fees. 116

(C) The rates and conditions for making payments required 117  
by division (B) of this section shall be established by rule by 118  
the superintendent of financial institutions. To the extent that 119  
they are applicable, such respective rules shall be 120  
substantially like those adopted by the board of governors of 121  
the federal reserve system to regulate similar fees required by 122  
the "Right to Financial Privacy Act of 1978," 92 Stat. 3708, 12  
U.S.C.A. 3415. 124

(D) (1) This section is not intended to expand, limit, or 125  
otherwise affect any authority granted under federal law or the 126  
law of this state to any party, including a governmental 127  
authority, to procure, request, or require a customer's 128  
financial records. This section does not apply to investigations 129  
or examinations conducted under authority granted by Chapter 130  
169., 1707., 3737., or 4735. of the Revised Code. 131

(2) Division (B) of this section does not apply to 132  
financial records required to be assembled or provided pursuant 133  
to a subpoena, demand for production, request for records, or 134  
demand for inspection issued by or on motion of the attorney 135  
general or the organized crime investigations commission, to a 136  
subpoena issued by or on motion of a prosecuting attorney who 137  
has probable cause to believe that a crime has been committed, 138  
or to a subpoena issued by a grand jury, if all of the following 139

apply: 140

(a) The financial records or copies of the financial 141  
records are subpoenaed for purposes of a criminal investigation 142  
or prosecution; 143

(b) The subpoena is delivered to the financial institution 144  
at least ten days before the records are to be provided; 145

(c) The subpoena identifies individual items to be 146  
provided or is for statements of the customer's account for a 147  
specified period of time but only as is relevant to the possible 148  
crime being investigated. 149

If any financial record assembled or provided by a 150  
financial institution pursuant to such a subpoena or any 151  
information derived from the financial record is introduced as 152  
evidence in any criminal trial and if any nonindigent defendant 153  
is convicted of an offense at that trial, the trial court shall 154  
charge against the defendant, as a cost of prosecution, all 155  
actual and necessary costs directly incurred by the financial 156  
institution in searching for, reproducing, or transporting the 157  
financial records provided the financial institution is not a 158  
defendant at the trial. A defendant against whom costs are 159  
charged pursuant to this division shall pay the costs to the 160  
court which shall forward the payment to the financial 161  
institution. For purposes of this division, the trial court 162  
shall determine whether a defendant is indigent. The rates of 163  
payment established by rule pursuant to division (C) of this 164  
section shall be used by the trial court in charging costs under 165  
this division. 166

(E) Notwithstanding division (D) of this section, in any 167  
proceeding, action, or investigation that involves an alleged 168

violation of section 2921.02, 2921.41, 2921.42, or 2921.43 of 169  
the Revised Code, that either involves a property interest of 170  
the state or occurred within the scope of state employment or 171  
during the performance of a state public official's or state 172  
public servant's duties, and in which a financial institution is 173  
required or requested to assemble or provide financial records, 174  
the financial institution has a right of reimbursement from the 175  
state treasury for all actual and necessary costs incurred in 176  
searching for, reproducing, or transporting the financial 177  
records, at the rates established by rule under division (C) of 178  
this section. The reimbursement shall be made only if the 179  
financial institution is not a party to, or subject of the 180  
investigation, action, or proceeding, or is a party to the 181  
investigation, action, or proceeding solely by reason of its 182  
holding assets of another party defendant, with no cause of 183  
action alleged against the financial institution, and only if 184  
the financial institution has not acted negligently in the 185  
management of the deposit, account, service, or other 186  
relationship to which those financial records pertain. The 187  
reimbursement shall be made promptly, whether or not the 188  
financial records are entered into evidence. As used in this 189  
division, "state" means only the state of Ohio and does not 190  
include any political subdivision. 191

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 192  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 193  
Code, a completed form prescribed pursuant to division (C) (1) of 194  
this section, and a set of fingerprint impressions obtained in 195  
the manner described in division (C) (2) of this section, the 196  
superintendent of the bureau of criminal identification and 197  
investigation shall conduct a criminal records check in the 198  
manner described in division (B) of this section to determine 199

whether any information exists that indicates that the person 200  
who is the subject of the request previously has been convicted 201  
of or pleaded guilty to any of the following: 202

(a) A violation of section 2903.01, 2903.02, 2903.03, 203  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 204  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 205  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 206  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 207  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 208  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 209  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 210  
sexual penetration in violation of former section 2907.12 of the 211  
Revised Code, a violation of section 2905.04 of the Revised Code 212  
as it existed prior to July 1, 1996, a violation of section 213  
2919.23 of the Revised Code that would have been a violation of 214  
section 2905.04 of the Revised Code as it existed prior to July 215  
1, 1996, had the violation been committed prior to that date, or 216  
a violation of section 2925.11 of the Revised Code that is not a 217  
minor drug possession offense; 218

(b) A violation of an existing or former law of this 219  
state, any other state, or the United States that is 220  
substantially equivalent to any of the offenses listed in 221  
division (A)(1)(a) of this section; 222

(c) If the request is made pursuant to section 3319.39 of 223  
the Revised Code for an applicant who is a teacher, any offense 224  
specified in section 3319.31 of the Revised Code. 225

(2) On receipt of a request pursuant to section 3712.09 or 226  
3721.121 of the Revised Code, a completed form prescribed 227  
pursuant to division (C)(1) of this section, and a set of 228  
fingerprint impressions obtained in the manner described in 229



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

(a) A violation of section 2903.01, 2903.02, 2903.03, 240  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 241  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 242  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 243  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 244  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 245  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 246  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 247  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 248

(b) An existing or former law of this state, any other 249  
state, or the United States that is substantially equivalent to 250  
any of the offenses listed in division (A) (2) (a) of this 251  
section. 252

(3) On receipt of a request pursuant to section 173.27, 253  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 254  
5123.081, or 5123.169 of the Revised Code, a completed form 255  
prescribed pursuant to division (C) (1) of this section, and a 256  
set of fingerprint impressions obtained in the manner described 257  
in division (C) (2) of this section, the superintendent of the 258  
bureau of criminal identification and investigation shall 259

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

(a) A violation of section 959.13, 959.131, 2903.01, 274  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 275  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 276  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 277  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 278  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 279  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 280  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 281  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 282  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 283  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 284  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 285  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 286  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 287  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 288  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 289  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 290

2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	291
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	292
(b) Felonious sexual penetration in violation of former	293
section 2907.12 of the Revised Code;	294
(c) A violation of section 2905.04 of the Revised Code as	295
it existed prior to July 1, 1996;	296
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	297
the Revised Code when the underlying offense that is the object	298
of the conspiracy, attempt, or complicity is one of the offenses	299
listed in divisions (A) (3) (a) to (c) of this section;	300
(e) A violation of an existing or former municipal	301
ordinance or law of this state, any other state, or the United	302
States that is substantially equivalent to any of the offenses	303
listed in divisions (A) (3) (a) to (d) of this section.	304
(4) On receipt of a request pursuant to section 2151.86 of	305
the Revised Code, a completed form prescribed pursuant to	306
division (C) (1) of this section, and a set of fingerprint	307
impressions obtained in the manner described in division (C) (2)	308
of this section, the superintendent of the bureau of criminal	309
identification and investigation shall conduct a criminal	310
records check in the manner described in division (B) of this	311
section to determine whether any information exists that	312
indicates that the person who is the subject of the request	313
previously has been convicted of or pleaded guilty to any of the	314
following:	315
(a) A violation of section 959.13, 2903.01, 2903.02,	316
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	317
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	318
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	319

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

(b) A violation of an existing or former law of this 337  
state, any other state, or the United States that is 338  
substantially equivalent to any of the offenses listed in 339  
division (A) (4) (a) of this section. 340

(5) Upon receipt of a request pursuant to section 5104.013 341  
of the Revised Code, a completed form prescribed pursuant to 342  
division (C) (1) of this section, and a set of fingerprint 343  
impressions obtained in the manner described in division (C) (2) 344  
of this section, the superintendent of the bureau of criminal 345  
identification and investigation shall conduct a criminal 346  
records check in the manner described in division (B) of this 347  
section to determine whether any information exists that 348  
indicates that the person who is the subject of the request has 349  
been convicted of or pleaded guilty to any of the following: 350

(a) A violation of section 2151.421, 2903.01, 2903.02, 351  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 352  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 353  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 354  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 355  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 356  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 357  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 358  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 359  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 360  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 361  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 362  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 363  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 364  
3716.11 of the Revised Code, felonious sexual penetration in 365  
violation of former section 2907.12 of the Revised Code, a 366  
violation of section 2905.04 of the Revised Code as it existed 367  
prior to July 1, 1996, a violation of section 2919.23 of the 368  
Revised Code that would have been a violation of section 2905.04 369  
of the Revised Code as it existed prior to July 1, 1996, had the 370  
violation been committed prior to that date, a violation of 371  
section 2925.11 of the Revised Code that is not a minor drug 372  
possession offense, a violation of section 2923.02 or 2923.03 of 373  
the Revised Code that relates to a crime specified in this 374  
division, or a second violation of section 4511.19 of the 375  
Revised Code within five years of the date of application for 376  
licensure or certification. 377

(b) A violation of an existing or former law of this 378  
state, any other state, or the United States that is 379  
substantially equivalent to any of the offenses or violations 380  
described in division (A) (5) (a) of this section. 381

(6) Upon receipt of a request pursuant to section 5153.111 382  
of the Revised Code, a completed form prescribed pursuant to 383  
division (C)(1) of this section, and a set of fingerprint 384  
impressions obtained in the manner described in division (C)(2) 385  
of this section, the superintendent of the bureau of criminal 386  
identification and investigation shall conduct a criminal 387  
records check in the manner described in division (B) of this 388  
section to determine whether any information exists that 389  
indicates that the person who is the subject of the request 390  
previously has been convicted of or pleaded guilty to any of the 391  
following: 392

(a) A violation of section 2903.01, 2903.02, 2903.03, 393  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 394  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 395  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 396  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 397  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 398  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 399  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 400  
Code, felonious sexual penetration in violation of former 401  
section 2907.12 of the Revised Code, a violation of section 402  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 403  
a violation of section 2919.23 of the Revised Code that would 404  
have been a violation of section 2905.04 of the Revised Code as 405  
it existed prior to July 1, 1996, had the violation been 406  
committed prior to that date, or a violation of section 2925.11 407  
of the Revised Code that is not a minor drug possession offense; 408

(b) A violation of an existing or former law of this 409  
state, any other state, or the United States that is 410  
substantially equivalent to any of the offenses listed in 411  
division (A)(6)(a) of this section. 412

(7) On receipt of a request for a criminal records check 413  
from an individual pursuant to section 4749.03 or 4749.06 of the 414  
Revised Code, accompanied by a completed copy of the form 415  
prescribed in division (C)(1) of this section and a set of 416  
fingerprint impressions obtained in a manner described in 417  
division (C)(2) of this section, the superintendent of the 418  
bureau of criminal identification and investigation shall 419  
conduct a criminal records check in the manner described in 420  
division (B) of this section to determine whether any 421  
information exists indicating that the person who is the subject 422  
of the request has been convicted of or pleaded guilty to a 423  
felony in this state or in any other state. If the individual 424  
indicates that a firearm will be carried in the course of 425  
business, the superintendent shall require information from the 426  
federal bureau of investigation as described in division (B)(2) 427  
of this section. Subject to division (F) of this section, the 428  
superintendent shall report the findings of the criminal records 429  
check and any information the federal bureau of investigation 430  
provides to the director of public safety. 431

(8) On receipt of a request pursuant to section 1321.37, 432  
1321.53, ~~1321.531, 1322.03, 1322.031,~~ or 4763.05 of the Revised 433  
Code, a completed form prescribed pursuant to division (C)(1) of 434  
this section, and a set of fingerprint impressions obtained in 435  
the manner described in division (C)(2) of this section, the 436  
superintendent of the bureau of criminal identification and 437  
investigation shall conduct a criminal records check with 438  
respect to any person who has applied for a license, permit, or 439  
certification from the department of commerce or a division in 440  
the department. The superintendent shall conduct the criminal 441  
records check in the manner described in division (B) of this 442  
section to determine whether any information exists that 443

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

(9) On receipt of a request for a criminal records check 456  
from the treasurer of state under section 113.041 of the Revised 457  
Code or from an individual under section 4701.08, 4715.101, 458  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 459  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 460  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 461  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 462  
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 463  
Code, accompanied by a completed form prescribed under division 464  
(C) (1) of this section and a set of fingerprint impressions 465  
obtained in the manner described in division (C) (2) of this 466  
section, the superintendent of the bureau of criminal 467  
identification and investigation shall conduct a criminal 468  
records check in the manner described in division (B) of this 469  
section to determine whether any information exists that 470  
indicates that the person who is the subject of the request has 471  
been convicted of or pleaded guilty to any criminal offense in 472  
this state or any other state. Subject to division (F) of this 473  
section, the superintendent shall send the results of a check 474



requested under section 113.041 of the Revised Code to the 475  
treasurer of state and shall send the results of a check 476  
requested under any of the other listed sections to the 477  
licensing board specified by the individual in the request. 478

(10) On receipt of a request pursuant to section 1121.23, 479  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 480  
Code, a completed form prescribed pursuant to division (C)(1) of 481  
this section, and a set of fingerprint impressions obtained in 482  
the manner described in division (C)(2) of this section, the 483  
superintendent of the bureau of criminal identification and 484  
investigation shall conduct a criminal records check in the 485  
manner described in division (B) of this section to determine 486  
whether any information exists that indicates that the person 487  
who is the subject of the request previously has been convicted 488  
of or pleaded guilty to any criminal offense under any existing 489  
or former law of this state, any other state, or the United 490  
States. 491

(11) On receipt of a request for a criminal records check 492  
from an appointing or licensing authority under section 3772.07 493  
of the Revised Code, a completed form prescribed under division 494  
(C)(1) of this section, and a set of fingerprint impressions 495  
obtained in the manner prescribed in division (C)(2) of this 496  
section, the superintendent of the bureau of criminal 497  
identification and investigation shall conduct a criminal 498  
records check in the manner described in division (B) of this 499  
section to determine whether any information exists that 500  
indicates that the person who is the subject of the request 501  
previously has been convicted of or pleaded guilty or no contest 502  
to any offense under any existing or former law of this state, 503  
any other state, or the United States that is a disqualifying 504  
offense as defined in section 3772.07 of the Revised Code or 505

substantially equivalent to such an offense. 506

(12) On receipt of a request pursuant to section 2151.33 507  
or 2151.412 of the Revised Code, a completed form prescribed 508  
pursuant to division (C)(1) of this section, and a set of 509  
fingerprint impressions obtained in the manner described in 510  
division (C)(2) of this section, the superintendent of the 511  
bureau of criminal identification and investigation shall 512  
conduct a criminal records check with respect to any person for 513  
whom a criminal records check is required under that section. 514  
The superintendent shall conduct the criminal records check in 515  
the manner described in division (B) of this section to 516  
determine whether any information exists that indicates that the 517  
person who is the subject of the request previously has been 518  
convicted of or pleaded guilty to any of the following: 519

(a) A violation of section 2903.01, 2903.02, 2903.03, 520  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 521  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 522  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 523  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 524  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 525  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 526  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 527  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 528

(b) An existing or former law of this state, any other 529  
state, or the United States that is substantially equivalent to 530  
any of the offenses listed in division (A)(12)(a) of this 531  
section. 532

(13) On receipt of a request pursuant to section 3796.12 533  
of the Revised Code, a completed form prescribed pursuant to 534  
division (C)(1) of this section, and a set of fingerprint 535

impressions obtained in a manner described in division (C) (2) of 536  
this section, the superintendent of the bureau of criminal 537  
identification and investigation shall conduct a criminal 538  
records check in the manner described in division (B) of this 539  
section to determine whether any information exists that 540  
indicates that the person who is the subject of the request 541  
previously has been convicted of or pleaded guilty to the 542  
following: 543

(a) A disqualifying offense as specified in rules adopted 544  
under division (B) (2) (b) of section 3796.03 of the Revised Code 545  
if the person who is the subject of the request is an 546  
administrator or other person responsible for the daily 547  
operation of, or an owner or prospective owner, officer or 548  
prospective officer, or board member or prospective board member 549  
of, an entity seeking a license from the department of commerce 550  
under Chapter 3796. of the Revised Code; 551

(b) A disqualifying offense as specified in rules adopted 552  
under division (B) (2) (b) of section 3796.04 of the Revised Code 553  
if the person who is the subject of the request is an 554  
administrator or other person responsible for the daily 555  
operation of, or an owner or prospective owner, officer or 556  
prospective officer, or board member or prospective board member 557  
of, an entity seeking a license from the state board of pharmacy 558  
under Chapter 3796. of the Revised Code. 559

(14) On receipt of a request required by section 3796.13 560  
of the Revised Code, a completed form prescribed pursuant to 561  
division (C) (1) of this section, and a set of fingerprint 562  
impressions obtained in a manner described in division (C) (2) of 563  
this section, the superintendent of the bureau of criminal 564  
identification and investigation shall conduct a criminal 565

records check in the manner described in division (B) of this 566  
section to determine whether any information exists that 567  
indicates that the person who is the subject of the request 568  
previously has been convicted of or pleaded guilty to the 569  
following: 570

(a) A disqualifying offense as specified in rules adopted 571  
under division (B) (8) (a) of section 3796.03 of the Revised Code 572  
if the person who is the subject of the request is seeking 573  
employment with an entity licensed by the department of commerce 574  
under Chapter 3796. of the Revised Code; 575

(b) A disqualifying offense as specified in rules adopted 576  
under division (B) (14) (a) of section 3796.04 of the Revised Code 577  
if the person who is the subject of the request is seeking 578  
employment with an entity licensed by the state board of 579  
pharmacy under Chapter 3796. of the Revised Code. 580

(B) Subject to division (F) of this section, the 581  
superintendent shall conduct any criminal records check to be 582  
conducted under this section as follows: 583

(1) The superintendent shall review or cause to be 584  
reviewed any relevant information gathered and compiled by the 585  
bureau under division (A) of section 109.57 of the Revised Code 586  
that relates to the person who is the subject of the criminal 587  
records check, including, if the criminal records check was 588  
requested under section 113.041, 121.08, 173.27, 173.38, 589  
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 590  
~~1321.531, 1322.03, 1322.031,~~ 1733.47, 1761.26, 2151.86, 3301.32, 591  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 592  
3796.12, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 593  
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 594  
any relevant information contained in records that have been 595

sealed under section 2953.32 of the Revised Code; 596

(2) If the request received by the superintendent asks for 597  
information from the federal bureau of investigation, the 598  
superintendent shall request from the federal bureau of 599  
investigation any information it has with respect to the person 600  
who is the subject of the criminal records check, including 601  
fingerprint-based checks of national crime information databases 602  
as described in 42 U.S.C. 671 if the request is made pursuant to 603  
section 2151.86 or 5104.013 of the Revised Code or if any other 604  
Revised Code section requires fingerprint-based checks of that 605  
nature, and shall review or cause to be reviewed any information 606  
the superintendent receives from that bureau. If a request under 607  
section 3319.39 of the Revised Code asks only for information 608  
from the federal bureau of investigation, the superintendent 609  
shall not conduct the review prescribed by division (B)(1) of 610  
this section. 611

(3) The superintendent or the superintendent's designee 612  
may request criminal history records from other states or the 613  
federal government pursuant to the national crime prevention and 614  
privacy compact set forth in section 109.571 of the Revised 615  
Code. 616

(4) The superintendent shall include in the results of the 617  
criminal records check a list or description of the offenses 618  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 619  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 620  
whichever division requires the superintendent to conduct the 621  
criminal records check. The superintendent shall exclude from 622  
the results any information the dissemination of which is 623  
prohibited by federal law. 624

(5) The superintendent shall send the results of the 625

criminal records check to the person to whom it is to be sent 626  
not later than the following number of days after the date the 627  
superintendent receives the request for the criminal records 628  
check, the completed form prescribed under division (C) (1) of 629  
this section, and the set of fingerprint impressions obtained in 630  
the manner described in division (C) (2) of this section: 631

(a) If the superintendent is required by division (A) of 632  
this section (other than division (A) (3) of this section) to 633  
conduct the criminal records check, thirty; 634

(b) If the superintendent is required by division (A) (3) 635  
of this section to conduct the criminal records check, sixty. 636

(C) (1) The superintendent shall prescribe a form to obtain 637  
the information necessary to conduct a criminal records check 638  
from any person for whom a criminal records check is to be 639  
conducted under this section. The form that the superintendent 640  
prescribes pursuant to this division may be in a tangible 641  
format, in an electronic format, or in both tangible and 642  
electronic formats. 643

(2) The superintendent shall prescribe standard impression 644  
sheets to obtain the fingerprint impressions of any person for 645  
whom a criminal records check is to be conducted under this 646  
section. Any person for whom a records check is to be conducted 647  
under this section shall obtain the fingerprint impressions at a 648  
county sheriff's office, municipal police department, or any 649  
other entity with the ability to make fingerprint impressions on 650  
the standard impression sheets prescribed by the superintendent. 651  
The office, department, or entity may charge the person a 652  
reasonable fee for making the impressions. The standard 653  
impression sheets the superintendent prescribes pursuant to this 654  
division may be in a tangible format, in an electronic format, 655

or in both tangible and electronic formats. 656

(3) Subject to division (D) of this section, the 657  
superintendent shall prescribe and charge a reasonable fee for 658  
providing a criminal records check under this section. The 659  
person requesting the criminal records check shall pay the fee 660  
prescribed pursuant to this division. In the case of a request 661  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 662  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 663  
fee shall be paid in the manner specified in that section. 664

(4) The superintendent of the bureau of criminal 665  
identification and investigation may prescribe methods of 666  
forwarding fingerprint impressions and information necessary to 667  
conduct a criminal records check, which methods shall include, 668  
but not be limited to, an electronic method. 669

(D) The results of a criminal records check conducted 670  
under this section, other than a criminal records check 671  
specified in division (A)(7) of this section, are valid for the 672  
person who is the subject of the criminal records check for a 673  
period of one year from the date upon which the superintendent 674  
completes the criminal records check. If during that period the 675  
superintendent receives another request for a criminal records 676  
check to be conducted under this section for that person, the 677  
superintendent shall provide the results from the previous 678  
criminal records check of the person at a lower fee than the fee 679  
prescribed for the initial criminal records check. 680

(E) When the superintendent receives a request for 681  
information from a registered private provider, the 682  
superintendent shall proceed as if the request was received from 683  
a school district board of education under section 3319.39 of 684  
the Revised Code. The superintendent shall apply division (A)(1) 685

(c) of this section to any such request for an applicant who is a teacher. 686  
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(F) (1) Subject to division (F) (2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A) (7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 688  
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(2) Division (F) (1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E) (2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E) (1) of that section. 697  
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(G) As used in this section: 706

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 707  
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(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 711  
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(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or 713  
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former law of this state, any other state, or the United States 715  
that is substantially equivalent to section 4511.19 of the 716  
Revised Code. 717

(4) "Registered private provider" means a nonpublic school 718  
or entity registered with the superintendent of public 719  
instruction under section 3310.41 of the Revised Code to 720  
participate in the autism scholarship program or section 3310.58 721  
of the Revised Code to participate in the Jon Peterson special 722  
needs scholarship program. 723

**Sec. 1181.21.** (A) As used in this section, "consumer 724  
finance company" has the same meaning as in section 1181.05 of 725  
the Revised Code. 726

(B) The superintendent of financial institutions shall see 727  
that the laws relating to consumer finance companies are 728  
executed and enforced. 729

(C) The deputy superintendent for consumer finance shall 730  
be the principal supervisor of consumer finance companies. In 731  
that position the deputy superintendent for consumer finance 732  
shall, notwithstanding section 1321.421, division (A) of section 733  
1321.76, and sections 1321.07, 1321.55, ~~1322.06~~ 1322.34, 734  
4727.05, and 4728.05 of the Revised Code, be responsible for 735  
conducting examinations and preparing examination reports under 736  
those sections. In addition, the deputy superintendent for 737  
consumer finance shall, notwithstanding sections 1315.27, 738  
1321.10, 1321.43, 1321.54, 1321.77, ~~1322.12~~ 1322.57, 4712.14, 739  
4727.13, and 4728.10 of the Revised Code, have the authority to 740  
adopt rules and standards in accordance with those sections. In 741  
performing or exercising any of the examination, rule-making, or 742  
other regulatory functions, powers, or duties vested by this 743  
division in the deputy superintendent for consumer finance, the 744

deputy superintendent for consumer finance shall be subject to 745  
the control of the superintendent of financial institutions and 746  
the director of commerce. 747

**Sec. 1181.25.** The superintendent of financial institutions 748  
may introduce into evidence or disclose, or authorize to be 749  
introduced into evidence or disclosed, information that, under 750  
sections 1121.18, 1155.16, 1163.20, 1315.122, 1321.09, 1321.48, 751  
1321.55, 1321.76, ~~1322.06~~ 1322.34, ~~1322.061~~ 1322.36, 1733.32, 752  
1733.327, and 4727.18 of the Revised Code, is privileged, 753  
confidential, or otherwise not public information or a public 754  
record, provided that the superintendent acts only as provided 755  
in those sections or in the following circumstances: 756

(A) When in the opinion of the superintendent, it is 757  
appropriate with regard to any enforcement actions taken and 758  
decisions made by the superintendent under Chapters 1315., 759  
1321., 1322., 1733., 4712., 4727., and 4728. of the Revised Code 760  
or Title XI of the Revised Code; 761

(B) When litigation has been initiated by the 762  
superintendent in furtherance of the powers, duties, and 763  
obligations imposed upon the superintendent by Chapters 1315., 764  
1321., 1322., 1733., 4712., 4727., and 4728. of the Revised Code 765  
or Title XI of the Revised Code; 766

(C) When in the opinion of the superintendent, it is 767  
appropriate with regard to enforcement actions taken or 768  
decisions made by other financial institution regulatory 769  
authorities to whom the superintendent has provided the 770  
information pursuant to authority in Chapters 1315., 1321., 771  
1322., 1733., 4712., 4727., and 4728. of the Revised Code or 772  
Title XI of the Revised Code. 773

<b>Sec. 1315.21.</b> As used in sections 1315.21 to 1315.30 of	774
the Revised Code:	775
(A) "Check" means any check, draft, money order, or other	776
instrument for the transmission or payment of money. "Check"	777
does not include a travelers check.	778
(B) "Check-cashing business" means any person that engages	779
in the business of cashing checks for a fee. "Check-cashing	780
business" does not include any of the following:	781
(1) A licensee as defined in section 1321.01 of the	782
Revised Code;	783
(2) A registrant as defined in section 1321.51 of the	784
Revised Code;	785
(3) A financial institution;	786
(4) A person that is primarily engaged in the business of	787
selling tangible personal property or services at retail and	788
does not derive more than five per cent of the person's gross	789
income from the cashing of checks;	790
(5) A person licensed under sections 1315.01 to 1315.18 of	791
the Revised Code, or any agent of that person, to the extent	792
that the person or the agent is engaged in cashing checks or	793
travelers checks issued by the licensed person;	794
<u>(6) A person registered as a mortgage lender under Chapter</u>	795
<u>1322. of the Revised Code.</u>	796
(C) "Financial institution" means any bank, trust company,	797
savings bank, savings and loan association, or credit union,	798
that is incorporated or organized under the laws of the United	799
States or of any state thereof, or of Canada or any province	800
thereof, and subject to regulation or supervision by such	801

country, state, or province. 802

(D) "Superintendent of financial institutions" includes 803  
the deputy superintendent for consumer finance as provided in 804  
section 1181.21 of the Revised Code. 805

**Sec. 1319.12.** (A) (1) As used in this section, "collection 806  
agency" means any person who, for compensation, contingent or 807  
otherwise, or for other valuable consideration, offers services 808  
to collect an alleged debt asserted to be owed to another. 809

(2) "Collection agency" does not mean a person whose 810  
collection activities are confined to and directly related to 811  
the operation of another business, including, but not limited 812  
to, the following: 813

(a) Any bank, including the trust department of a bank, 814  
trust company, savings and loan association, savings bank, 815  
credit union, or fiduciary as defined in section 5815.04 of the 816  
Revised Code, except those that own or operate a collection 817  
agency; 818

(b) Any real estate broker or real estate salesperson, as 819  
defined in section 4735.01 of the Revised Code; 820

(c) Any retail seller collecting its own accounts; 821

(d) Any insurance company authorized to do business in 822  
this state under Title XXXIX of the Revised Code or a health 823  
insuring corporation authorized to operate in this state under 824  
Chapter 1751. of the Revised Code; 825

(e) Any public officer or judicial officer acting under 826  
order of a court; 827

(f) Any licensee as defined either in section 1321.01 or 828  
1321.71 of the Revised Code, ~~or~~ any registrant as defined in 829

section 1321.51 of the Revised Code, or any person registered as 830  
a mortgage lender under Chapter 1322. of the Revised Code; 831

(g) Any public utility; 832

(h) Any person registered to sell interment rights under 833  
section 4767.031 of the Revised Code. 834

(B) A collection agency with a place of business in this 835  
state may take assignment of another person's accounts, bills, 836  
or other evidences of indebtedness in its own name for the 837  
purpose of billing, collecting, or filing suit in its own name 838  
as the real party in interest. 839

(C) No collection agency shall commence litigation for the 840  
collection of an assigned account, bill, or other evidence of 841  
indebtedness unless it has taken the assignment in accordance 842  
with all of the following requirements: 843

(1) The assignment was voluntary, properly executed, and 844  
acknowledged by the person transferring title to the collection 845  
agency. 846

(2) The collection agency did not require the assignment 847  
as a condition to listing the account, bill, or other evidence 848  
of indebtedness with the collection agency for collection. 849

(3) The assignment was manifested by a written agreement 850  
separate from and in addition to any document intended for the 851  
purpose of listing the account, bill, or other evidence of 852  
indebtedness with the collection agency. The written agreement 853  
shall state the effective date of the assignment and the 854  
consideration paid or given, if any, for the assignment and 855  
shall expressly authorize the collection agency to refer the 856  
assigned account, bill, or other evidence of indebtedness to an 857  
attorney admitted to the practice of law in this state for the 858

commencement of litigation. The written agreement also shall 859  
disclose that the collection agency may consolidate, for 860  
purposes of filing an action, the assigned account, bill, or 861  
other evidence of indebtedness with those of other creditors 862  
against an individual debtor or co-debtors. 863

(4) Upon the effective date of the assignment to the 864  
collection agency, the creditor's account maintained by the 865  
collection agency in connection with the assigned account, bill, 866  
or other evidence of indebtedness was canceled. 867

(D) A collection agency shall commence litigation for the 868  
collection of an assigned account, bill, or other evidence of 869  
indebtedness in a court of competent jurisdiction located in the 870  
county in which the debtor resides, or in the case of co- 871  
debtors, a county in which at least one of the co-debtors 872  
resides. 873

(E) No collection agency shall commence any litigation 874  
authorized by this section unless the agency appears by an 875  
attorney admitted to the practice of law in this state. 876

(F) This section does not affect the powers and duties of 877  
any person described in division (A) (2) of this section. 878

(G) Nothing in this section relieves a collection agency 879  
from complying with the "Fair Debt Collection Practices Act," 91 880  
Stat. 874 (1977), 15 U.S.C. 1692, as amended, or deprives any 881  
debtor of the right to assert defenses as provided in section 882  
1317.031 of the Revised Code and 16 C.F.R. 433, as amended. 883

(H) For purposes of filing an action, a collection agency 884  
that has taken an assignment or assignments pursuant to this 885  
section may consolidate the assigned accounts, bills, or other 886  
evidences of indebtedness of one or more creditors against an 887

individual debtor or co-debtors. Each separate assigned account, 888  
bill, or evidence of indebtedness must be separately identified 889  
and pled in any consolidated action authorized by this section. 890  
If a debtor or co-debtor raises a good faith dispute concerning 891  
any account, bill, or other evidence of indebtedness, the court 892  
shall separate each disputed account, bill, or other evidence of 893  
indebtedness from the action and hear the disputed account, 894  
bill, or other evidence of indebtedness on its own merits in a 895  
separate action. The court shall charge the filing fee of the 896  
separate action to the losing party. 897

**Sec. 1321.02.** No person shall engage in the business of 898  
lending money, credit, or choses in action in amounts of five 899  
thousand dollars or less, or exact, contract for, or receive, 900  
directly or indirectly, on or in connection with any such loan, 901  
any interest and charges that in the aggregate are greater than 902  
the interest and charges that the lender would be permitted to 903  
charge for a loan of money if the lender were not a licensee, 904  
without first having obtained a license from the division of 905  
financial institutions under sections 1321.01 to 1321.19 of the 906  
Revised Code. 907

Sections 1321.01 to 1321.19 of the Revised Code do not 908  
apply to any person doing business under and as permitted by any 909  
law of this state, another state, or the United States relating 910  
to banks, savings banks, savings societies, trust companies, 911  
credit unions, savings and loan associations substantially all 912  
the business of which is confined to loans on real estate 913  
mortgages and evidences of their own indebtedness; to 914  
registrants conducting business pursuant to sections 1321.51 to 915  
1321.60 of the Revised Code; to licensees conducting business 916  
pursuant to sections 1321.71 to 1321.83 of the Revised Code; to 917  
licensees doing business pursuant to sections 1321.35 to 1321.48 918

of the Revised Code; to registrants conducting business as 919  
mortgage lenders under Chapter 1322. of the Revised Code; or to 920  
any entity who is licensed pursuant to Title XXXIX of the 921  
Revised Code, who makes advances or loans to any person who is 922  
licensed to sell insurance pursuant to that Title, and who is 923  
authorized in writing by that entity to sell insurance. No 924  
person engaged in the business of selling tangible goods or 925  
services related thereto may receive or retain a license under 926  
sections 1321.01 to 1321.19 of the Revised Code for such place 927  
of business. 928

The first paragraph of this section applies to any person, 929  
who by any device, subterfuge, or pretense, charges, contracts 930  
for, or receives greater interest, consideration, or charges 931  
than that authorized by this section for any such loan or use of 932  
money or for any such loan, use, or sale of credit, or who for a 933  
fee or any manner of compensation arranges or offers to find or 934  
arrange for another person to make any such loan, use, or sale 935  
of credit. This section does not preclude the acquiring, 936  
directly or indirectly, by purchase or discount, of a bona fide 937  
obligation for goods or services when such obligation is payable 938  
directly to the person who provided the goods or services. 939

Any contract of loan in the making or collection of which 940  
an act is done by the lender that violates this section is void 941  
and the lender has no right to collect, receive, or retain any 942  
principal, interest, or charges. 943

**Sec. 1321.51.** As used in sections 1321.51 to 1321.60 of 944  
the Revised Code: 945

(A) "Person" means an individual, partnership, 946  
association, trust, corporation, or any other legal entity. 947



(B) "Certificate" means a certificate of registration	948
issued under sections 1321.51 to 1321.60 of the Revised Code.	949
(C) "Registrant" means a person to whom one or more	950
certificates of registration have been issued under sections	951
1321.51 to 1321.60 of the Revised Code.	952
(D) "Principal amount" means the amount of cash paid to,	953
or paid or payable for the account of, the borrower, and	954
includes any charge, fee, or expense that is financed by the	955
borrower at origination of the loan or during the term of the	956
loan.	957
(E) "Interest" means all charges payable directly or	958
indirectly by a borrower to a registrant as a condition to a	959
loan or an application for a loan, however denominated, but does	960
not include default charges, deferment charges, insurance	961
charges or premiums, court costs, loan origination charges,	962
check collection charges, credit line charges, points,	963
prepayment penalties, or other fees and charges specifically	964
authorized by law.	965
(F) "Interest-bearing loan" means a loan in which the debt	966
is expressed as the principal amount and interest is computed,	967
charged, and collected on unpaid principal balances outstanding	968
from time to time.	969
(G) "Precomputed loan" means a loan in which the debt is a	970
sum comprising the principal amount and the amount of interest	971
computed in advance on the assumption that all scheduled	972
payments will be made when due.	973
(H) "Actuarial method" means the method of allocating	974
payments made on a loan between the principal amount and	975
interest whereby a payment is applied first to the accumulated	976

interest and the remainder to the unpaid principal amount.	977
(I) "Applicable charge" means the amount of interest	978
attributable to each monthly installment period of the loan	979
contract. The applicable charge is computed as if each	980
installment period were one month and any charge for extending	981
the first installment period beyond one month is ignored. In the	982
case of loans originally scheduled to be repaid in sixty-one	983
months or less, the applicable charge for any installment period	984
is that proportion of the total interest contracted for, as the	985
balance scheduled to be outstanding during that period bears to	986
the sum of all of the periodic balances, all determined	987
according to the payment schedule originally contracted for. In	988
all other cases, the applicable charge for any installment	989
period is that which would have been made for such period had	990
the loan been made on an interest-bearing basis, based upon the	991
assumption that all payments were made according to schedule.	992
(J) <del>"Broker" means a person who acts as an intermediary or</del>	993
<del>agent in finding, arranging, or negotiating loans, other than</del>	994
<del>residential mortgage loans, and charges or receives a fee for</del>	995
<del>these services.</del>	996
<del>(K)</del> "Annual percentage rate" means the ratio of the	997
interest on a loan to the unpaid principal balances on the loan	998
for any period of time, expressed on an annual basis.	999
<del>(L)</del> <u>(K)</u> "Point" means a charge equal to one per cent of	1000
either of the following:	1001
(1) The principal amount of a precomputed loan or	1002
interest-bearing loan;	1003
(2) The original credit line of an open-end loan.	1004
<del>(M)</del> <u>(L)</u> "Prepayment penalty" means a charge for prepayment	1005

of a loan at any time prior to five years from the date the loan contract is executed. 1006  
1007

~~(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. 1008  
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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. 1012  
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~~(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:~~ 1015  
1016  
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~~(a) Takes or offers to take a residential mortgage loan application;~~ 1018  
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~~(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;~~ 1020  
1021  
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~~(c) Offers or negotiates terms of a residential mortgage loan;~~ 1024  
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~~(d) Issues or offers to issue a commitment for a residential mortgage loan to a borrower.~~ 1026  
1027

~~(2) "Mortgage loan originator" does not include any of the following:~~ 1028  
1029

~~(a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator;~~ 1030  
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~~(b) A person licensed pursuant to Chapter 4735. of the~~ 1032

~~Revised Code, or under the similar law of another state, who~~ 1033  
~~performs only real estate brokerage activities permitted by that~~ 1034  
~~license, provided the person is not compensated by a mortgage~~ 1035  
~~lender, mortgage broker, mortgage loan originator, or by any~~ 1036  
~~agent thereof;~~ 1037

~~(c) A person solely involved in extensions of credit~~ 1038  
~~relating to timeshare plans, as that term is defined in 11-~~ 1039  
~~U.S.C. 101, in effect on January 1, 2009;~~ 1040

~~(d) A person acting solely as a loan processor or~~ 1041  
~~underwriter, who does not represent to the public, through~~ 1042  
~~advertising or other means of communicating, including the use~~ 1043  
~~of business cards, stationery, brochures, signs, rate lists, or~~ 1044  
~~other promotional items, that the person can or will perform any~~ 1045  
~~of the activities of a mortgage loan originator;~~ 1046

~~(e) A loan originator licensed under sections 1322.01 to~~ 1047  
~~1322.12 of the Revised Code, when acting solely under that~~ 1048  
~~authority;~~ 1049

~~(f) A licensed attorney who negotiates the terms of a~~ 1050  
~~residential mortgage loan on behalf of a client as an ancillary~~ 1051  
~~matter to the attorney's representation of the client, unless~~ 1052  
~~the attorney is compensated by a lender, a mortgage broker, or~~ 1053  
~~another mortgage loan originator, or by any agent thereof;~~ 1054

~~(g) Any person engaged in the retail sale of manufactured~~ 1055  
~~homes, mobile homes, or industrialized units if, in connection~~ 1056  
~~with financing those retail sales, the person only assists the~~ 1057  
~~borrower by providing or transmitting the loan application and~~ 1058  
~~does not do any of the following:~~ 1059

~~(i) Offer or negotiate the residential mortgage loan rates~~ 1060  
~~or terms;~~ 1061

- ~~(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;~~ 1062  
1063
- ~~(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;~~ 1064  
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1066  
1067
- ~~(iv) Assist the borrower in completing the residential mortgage loan application.~~ 1068  
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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.~~ 1070  
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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.~~ 1076  
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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 successor entities, for the licensing and registration of mortgage 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~~ 1083  
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~~2008, " 122 Stat. 2810, 12 U.S.C. 5101.~~ 1091

~~(S) "Registered mortgage loan originator" means an individual to whom both of the following apply:~~ 1092  
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~~(1) The individual is a mortgage loan originator and an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm-credit administration.~~ 1094  
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~~(2) The individual is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry.~~ 1099  
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1101

~~(T) "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.~~ 1102  
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~~(U) "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.~~ 1108  
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~~(V) "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 mortgage loan originator or registered mortgage loan originator. For purposes of this division, to "perform clerical or support duties" means to do all of the following activities:~~ 1113  
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~~(1) Receiving, collecting, distributing, and analyzing~~ 1119

~~information common for the processing or underwriting of a residential mortgage loan;~~ 1120  
1121

~~(2) Communicating with a borrower 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 borrowers about residential mortgage loan rates or terms.~~ 1122  
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~~(W) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including all of the following:~~ 1127  
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~~(1) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;~~ 1130  
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~~(2) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;~~ 1132  
1133

~~(3) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing for any such transaction;~~ 1134  
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~~(4) Engaging in any activity for which a person engaged in that activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law;~~ 1138  
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~~(5) Offering to engage in any activity, or to act in any capacity, described in division (W) of this section.~~ 1141  
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~~(X) "Licensee" means any person that has been issued a mortgage loan originator license under sections 1321.51 to 1321.60 of the Revised Code.~~ 1143  
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~~(Y) "Unique identifier" means a number or other identifier that permanently identifies a mortgage loan originator and is~~ 1146  
1147

~~assigned by protocols established by the nationwide mortgage- 1148  
licensing system and registry or federal banking agencies to 1149  
facilitate electronic tracking of mortgage loan originators and 1150  
uniform identification of, and public access to, the employment- 1151  
history of and the publicly adjudicated disciplinary and 1152  
enforcement actions against mortgage loan originators. 1153~~

~~(Z)-(O) "State" in the context of referring to states in 1154  
addition to Ohio means any state of the United States, the 1155  
district of Columbia, any territory of the United States, Puerto 1156  
Rico, Guam, American Samoa, the trust territory of the Pacific 1157  
islands, the virgin islands, and the northern Mariana islands. 1158~~

~~(AA)-(P) "Depository institution" has the same meaning as 1159  
in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 1160  
873, 12 U.S.C. 1813, and includes any credit union. 1161~~

~~(BB) "Bona fide third party" means a person that is not an 1162  
employee of, related to, or affiliated with, the registrant, and 1163  
that is not used for the purpose of circumvention or evasion of 1164  
sections 1321.51 to 1321.60 of the Revised Code. 1165~~

~~(CC) "Nontraditional mortgage product" means any mortgage 1166  
product other than a thirty year fixed rate mortgage. 1167~~

~~(DD) "Employee" means an individual for whom a registrant 1168  
or applicant, in addition to providing a wage or salary, pays 1169  
social security and unemployment taxes, provides workers' 1170  
compensation coverage, and withholds local, state, and federal 1171  
income taxes. "Employee" also includes any individual who acts 1172  
as a mortgage loan originator or operations manager of the 1173  
registrant, but for whom the registrant is prevented by law from 1174  
making income tax withholdings. 1175~~

~~(EE) "Primary point of contact" means the employee or 1176~~



~~owner designated by the registrant or applicant to be the~~ 1177  
~~individual who the division of financial institutions can~~ 1178  
~~contact regarding compliance or licensing matters relating to~~ 1179  
~~the registrant's or applicant's business or lending activities~~ 1180  
~~secured by an interest in real estate.~~ 1181

~~(FF) "Consumer reporting agency" has the same meaning as~~ 1182  
~~in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.~~ 1183  
~~1681a, as amended.~~ 1184

~~(GG) "Mortgage broker" has the same meaning as in section~~ 1185  
~~1322.01 of the Revised Code.~~ 1186

**Sec. 1321.52.** (A) (1) ~~No person, on that person's own~~ 1187  
~~behalf or on behalf of any other person, shall do any of the~~ 1188  
~~following without having first obtained a certificate of~~ 1189  
~~registration from the division of financial institutions:~~ 1190

~~(a) Advertise, solicit, or hold out that the person is~~ 1191  
~~engaged in the business of making residential mortgage loans~~ 1192  
~~secured by a mortgage on a borrower's real estate which is other~~ 1193  
~~than a first lien on the real estate;~~ 1194

~~(b) Engage in the business of lending or collecting the~~ 1195  
~~person's own or another person's money, credit, or choses in~~ 1196  
~~action for non first lien residential mortgage loans;~~ 1197

~~(c) Employ or compensate mortgage loan originators~~ 1198  
~~licensed or who should be licensed under sections 1321.51 to~~ 1199  
~~1321.60 of the Revised Code to conduct the business of making~~ 1200  
~~residential mortgage loans;~~ 1201

~~(d) Make loans in this state of the type set forth in~~ 1202  
~~division (C) of this section that are unsecured or are secured~~ 1203  
~~by other than real property, which loans are for more than five~~ 1204  
~~thousand dollars at a rate of interest greater than permitted by~~ 1205

~~section 1343.01 or other specific provisions of the Revised Code~~ 1206  
A registrant may make loans, other than a residential mortgage 1207  
loan as defined in section 1322.01 of the Revised Code, on terms 1208  
and conditions provided by sections 1321.51 to 1321.60 of the 1209  
Revised Code. 1210

(2) Each person issued a certificate of registration ~~or~~ 1211  
~~license~~ is subject to all the rules prescribed under sections 1212  
1321.51 to 1321.60 of the Revised Code. 1213

(B) (1) All loans made to persons who at the time are 1214  
residents of this state are considered as made within this state 1215  
and subject to the laws of this state, regardless of any 1216  
statement in the contract or note to the contrary, except ~~as~~ 1217  
~~follows:~~ 1218

~~(a) If the loan is primarily secured by a lien on real~~ 1219  
~~property in another state and is arranged by a mortgage loan~~ 1220  
~~originator licensed by that state, the borrower may by choice of~~ 1221  
~~law designate that the transaction be governed by the law where~~ 1222  
~~the real property is located if the other state has consumer~~ 1223  
~~protection laws covering the borrower that are applicable to the~~ 1224  
~~transaction.~~ 1225

~~(b) If~~ if the loan is for the purpose of purchasing goods 1226  
acquired by the borrower when the borrower is outside of this 1227  
state, the loan may be governed by the laws of the other state. 1228

(2) Nothing in division (B) (1) of this section prevents a 1229  
choice of law or requires registration ~~or licensure~~ of persons 1230  
outside of this state in a transaction involving the 1231  
solicitation of residents of this state to obtain non-real 1232  
estate secured loans that require the borrowers to physically 1233  
visit a lender's out-of-state office to apply for and obtain the 1234

disbursement of loan funds. 1235

(C) A registrant may make unsecured loans, ~~loans secured~~ 1236  
~~by a mortgage on a borrower's real estate which is a first lien~~ 1237  
~~or other than a first lien on the real estate, and~~ loans secured 1238  
by other than residential real estate, ~~and loans secured by any~~ 1239  
~~combination of mortgages and security interests, on terms and~~ 1240  
~~conditions provided by sections 1321.51 to 1321.60 or a dwelling~~ 1241  
as those terms are defined in section 1322.01 of the Revised 1242  
Code. 1243

~~(D) (1) If a lender that is subject to sections 1321.51 to~~ 1244  
~~1321.60 of the Revised Code makes a loan in violation of~~ 1245  
~~division (A) (1) of this section, the lender has no right to~~ 1246  
~~collect, receive, or retain any interest or charges on that~~ 1247  
~~loan.~~ 1248

~~(2) If a registrant applies to the division for a renewal~~ 1249  
~~of the registrant's certificate after the date required by~~ 1250  
~~division (A) (7) of section 1321.53 of the Revised Code, but~~ 1251  
~~prior to the first day of February of that year, and the~~ 1252  
~~division approves the application, division (D) (1) of this~~ 1253  
~~section does not apply with respect to any loan made by the~~ 1254  
~~registrant while the registrant's certificate was expired.~~ 1255

~~(3) If a person's registration under sections 1321.51 to~~ 1256  
~~1321.60 of the Revised Code terminates due to nonrenewal or~~ 1257  
~~otherwise but the person continues to engage in the business of~~ 1258  
~~collecting or servicing non first lien residential mortgage~~ 1259  
~~loans in violation of division (A) (1) of this section, the~~ 1260  
~~superintendent of financial institutions may take administrative~~ 1261  
~~action, including action on any subsequent application for a~~ 1262  
~~certificate of registration. In addition, no late fee, bad check~~ 1263  
~~charge except as incurred, charge related to default or cost to~~ 1264

~~realize on its security interest, or prepayment penalty on non- 1265  
first lien residential mortgage loans shall be collected or 1266  
retained by a person who is in violation of division (A) (1) (b)- 1267  
of this section for the period of time in which the person was 1268  
in violation. Nothing in division (D) (3) of this section 1269  
prevents or otherwise precludes any other actions or penalties 1270  
provided by law or modifies a defense of holder in due course 1271  
that a subsequent purchaser servicing the residential mortgage 1272  
loan may raise. 1273~~

~~(E) (1) No individual shall engage in the business of a 1274  
mortgage loan originator without first obtaining and maintaining 1275  
annually a license pursuant to section 1321.532 of the Revised 1276  
Code from the division of financial institutions. A mortgage 1277  
loan originator shall be employed or associated with a 1278  
registrant or entity exempt from registration under sections 1279  
1321.51 to 1321.60 of the Revised Code, but shall not be 1280  
employed by or associated with more than one registrant or 1281  
exempt entity at any one time. 1282~~

~~(2) An individual acting under the individual's authority 1283  
as a registered mortgage loan originator shall not be required 1284  
to be licensed under division (E) (1) of this section. 1285~~

~~(3) An individual who holds a valid temporary mortgage 1286  
loan originator license issued pursuant to section 1321.537 of 1287  
the Revised Code may engage in the business of a mortgage loan 1288  
originator in accordance with sections 1321.51 to 1321.60 of the 1289  
Revised Code during the term of the temporary license. 1290~~

~~(F) (1) Each licensee shall register with, and maintain a 1291  
valid unique identifier issued by, the nationwide mortgage 1292  
licensing system and registry. 1293~~

~~(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.~~ 1294  
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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.~~ 1298  
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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.~~ 1307  
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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 institutions, and shall contain any information that the division may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of 1316  
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the Revised Code before a certificate is issued or renewed. 1324

(2) Upon the filing of the application and the payment by 1325  
the applicant of a nonrefundable two-hundred-dollar 1326  
investigation fee, and a nonrefundable three-hundred-dollar 1327  
annual registration fee, ~~and any additional fee required by the~~ 1328  
~~nationwide mortgage licensing system and registry,~~ the division 1329  
shall investigate the relevant facts. If the application 1330  
involves investigation outside this state, the applicant may be 1331  
required by the division to advance sufficient funds to pay any 1332  
of the actual expenses of such investigation, when it appears 1333  
that these expenses will exceed two hundred dollars. An itemized 1334  
statement of any of these expenses which the applicant is 1335  
required to pay shall be furnished to the applicant by the 1336  
division. No certificate shall be issued unless all the required 1337  
fees have been submitted to the division. 1338

~~(3) All applicants making loans secured by an interest in~~ 1339  
~~real estate shall designate an employee or owner of the~~ 1340  
~~applicant as the applicant's primary point of contact. While~~ 1341  
~~acting as the primary point of contact, the employee or owner~~ 1342  
~~shall not be employed by any other registrant or mortgage~~ 1343  
~~broker.~~ 1344

~~(4)~~ The investigation undertaken upon application shall 1345  
include both a civil and criminal records check of the applicant 1346  
including any individual whose identity is required to be 1347  
disclosed in the application. Where the applicant is a business 1348  
entity the superintendent shall have the authority to require a 1349  
civil and criminal background check of those persons that in the 1350  
determination of the superintendent have the authority to direct 1351  
and control the operations of the applicant. 1352

~~(5)~~ (4) (a) Notwithstanding division (K) of section 121.08 1353

of the Revised Code, the superintendent of financial 1354  
institutions shall obtain a criminal history records check and, 1355  
as part of that records check, request that criminal record 1356  
information from the federal bureau of investigation be 1357  
obtained. To fulfill this requirement, the superintendent shall 1358  
~~do either of the following:~~ 1359

~~(i) Request~~ request the superintendent of the bureau of 1360  
criminal identification and investigation, or a vendor approved 1361  
by the bureau, to conduct a criminal records check based on the 1362  
applicant's fingerprints or, if the fingerprints are unreadable, 1363  
based on the applicant's social security number, in accordance 1364  
with section 109.572 of the Revised Code. 1365

~~(ii) Authorize the nationwide mortgage licensing system~~ 1366  
~~and registry to request a criminal history background check as~~ 1367  
~~set forth in division (C) of section 1321.531 of the Revised~~ 1368  
~~Code.~~ 1369

(b) Any fee required under division (C) (3) of section 1370  
109.572 of the Revised Code ~~or by the nationwide mortgage~~ 1371  
~~licensing system and registry~~ shall be paid by the applicant. 1372

~~(6)~~ (5) If an application for a certificate of 1373  
registration does not contain all of the information required 1374  
under division (A) of this section, and if such information is 1375  
not submitted to the division ~~or to the nationwide mortgage~~ 1376  
~~licensing system and registry~~ within ninety days after the 1377  
superintendent ~~or the nationwide mortgage licensing system and~~ 1378  
~~registry~~ requests the information in writing, including by 1379  
electronic transmission or facsimile, the superintendent may 1380  
consider the application withdrawn. 1381

~~(7)~~ (6) If the division finds that the financial 1382

responsibility, experience, character, and general fitness of 1383  
the applicant command the confidence of the public and warrant 1384  
the belief that the business will be operated honestly and 1385  
fairly in compliance with the purposes of sections 1321.51 to 1386  
1321.60 of the Revised Code and the rules adopted thereunder, 1387  
and that the applicant has the ~~requisite bond or~~ applicable net 1388  
worth and assets required by division (B) of this section, the 1389  
division shall thereupon issue a certificate of registration to 1390  
the applicant. The superintendent shall not use a credit score 1391  
as the sole basis for a registration denial. 1392

(a) (i) Certificates of registration issued on or after 1393  
July 1, 2010, shall annually expire on the thirty-first day of 1394  
December, unless renewed by the filing of a renewal application 1395  
and payment of a three-hundred-dollar nonrefundable annual 1396  
registration fee, and any assessment as determined by the 1397  
superintendent pursuant to division (A) ~~(7)~~ (6) (a) (ii) of this 1398  
section, ~~and any additional fee required by the nationwide~~ 1399  
~~mortgage licensing system and registry,~~ on or before the last 1400  
day of December of each year. No other fee or assessment shall 1401  
be required of a registrant by the state or any political 1402  
subdivision of this state. 1403

(ii) If the renewal fees billed by the superintendent 1404  
pursuant to division (A) ~~(7)~~ (6) (a) (i) of this section are less 1405  
than the estimated expenditures of the consumer finance section 1406  
of the division of financial institutions, as determined by the 1407  
superintendent, for the following fiscal year, the 1408  
superintendent may assess each registrant at a rate sufficient 1409  
to equal in the aggregate the difference between the renewal 1410  
fees billed and the estimated expenditures. Each registrant 1411  
shall pay the assessed amount to the superintendent prior to the 1412  
last day of June. In no case shall the assessment exceed ten 1413



cents per each one hundred dollars of interest (excluding 1414  
charge-off recoveries), points, loan origination charges, and 1415  
credit line charges collected by that registrant during the 1416  
previous calendar year. If such an assessment is imposed, it 1417  
shall not be less than two hundred fifty dollars per registrant 1418  
and shall not exceed thirty thousand dollars less the total 1419  
renewal fees paid pursuant to division (A) ~~(7)~~ (6) (a) (i) of this 1420  
section by each registrant. 1421

(b) Registrants shall timely file renewal applications on 1422  
forms prescribed by the division and provide any further 1423  
information that the division may require. If a renewal 1424  
application does not contain all of the information required 1425  
under this section, and if that information is not submitted to 1426  
the division ~~or to the nationwide mortgage licensing system and~~ 1427  
~~registry~~ within ninety days after the superintendent ~~or the~~ 1428  
~~nationwide mortgage licensing system and registry~~ requests the 1429  
information in writing, including by electronic transmission or 1430  
facsimile, the superintendent may consider the application 1431  
withdrawn. 1432

(c) Renewal shall not be granted if the applicant's 1433  
certificate of registration is subject to an order of 1434  
suspension, revocation, or an unpaid and past due fine imposed 1435  
by the superintendent. 1436

(d) If the division finds the applicant does not meet the 1437  
conditions set forth in this section, it shall issue a notice of 1438  
intent to deny the application, and forthwith notify the 1439  
applicant of the denial, the grounds for the denial, and the 1440  
applicant's reasonable opportunity to be heard on the action in 1441  
accordance with Chapter 119. of the Revised Code. 1442

~~(8)~~ (7) If there is a change of five per cent or more in 1443

the ownership of a registrant, the division may make any 1444  
investigation necessary to determine whether any fact or 1445  
condition exists that, if it had existed at the time of the 1446  
original application for a certificate of registration, the fact 1447  
or condition would have warranted the division to deny the 1448  
application under division (A) ~~(7)~~ (6) of this section. If such a 1449  
fact or condition is found, the division may, in accordance with 1450  
Chapter 119. of the Revised Code, revoke the registrant's 1451  
certificate. 1452

(B) Each registrant that engages in lending under sections 1453  
1321.51 to 1321.60 of the Revised Code shall, ~~if not otherwise~~ 1454  
~~required to be bonded pursuant to section 1321.533 of the~~ 1455  
~~Revised Code,~~ maintain both of the following: 1456

(1) A net worth of at least fifty thousand dollars; 1457

(2) For each certificate of registration, assets of at 1458  
least fifty thousand dollars either in use or readily available 1459  
for use in the conduct of the business. 1460

(C) Not more than one place of business shall be 1461  
maintained under the same certificate, but the division may 1462  
issue additional certificates to the same registrant upon 1463  
compliance with sections 1321.51 to 1321.60 of the Revised Code, 1464  
governing the issuance of a single certificate. No change in the 1465  
place of business of a registrant to a location outside the 1466  
original municipal corporation shall be permitted under the same 1467  
certificate without the approval of a new application, the 1468  
payment of the registration fee and, if required by the 1469  
superintendent, the payment of an investigation fee of two 1470  
hundred dollars. When a registrant wishes to change its place of 1471  
business within the same municipal corporation, it shall give 1472  
written notice of the change in advance to the division, which 1473

shall provide a certificate for the new address without cost. If 1474  
a registrant changes its name, prior to making loans under the 1475  
new name it shall give written notice of the change to the 1476  
division, which shall provide a certificate in the new name 1477  
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 1478  
not limit the loans of any registrant to residents of the 1479  
community in which the registrant's place of business is 1480  
situated. Each certificate shall be kept conspicuously posted in 1481  
the place of business of the registrant and is not transferable 1482  
or assignable. 1483

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 1484  
apply to any of the following: 1485

(1) Entities chartered and lawfully doing business under 1486  
the authority of any law of this state, another state, or the 1487  
United States as a bank, savings bank, trust company, savings 1488  
and loan association, or credit union, or a subsidiary of any 1489  
such entity, which subsidiary is regulated by a federal banking 1490  
agency and is owned and controlled by such a depository 1491  
institution; 1492

(2) Life, property, or casualty insurance companies 1493  
licensed to do business in this state; 1494

(3) Any person that is a lender making a loan pursuant to 1495  
sections 1321.01 to 1321.19 of the Revised Code or a business 1496  
loan as described in division (B)(6) of section 1343.01 of the 1497  
Revised Code; 1498

(4) Any political subdivision, or any governmental or 1499  
other public entity, corporation, instrumentality, or agency, in 1500  
or of the United States or any state of the United States, or 1501  
any entity described in division (B)(3) of section 1343.01 of 1502

the Revised Code; 1503

(5) A college or university, or controlled entity of a 1504  
college or university, as those terms are defined in section 1505  
1713.05 of the Revised Code; 1506

~~(6) A credit union service organization, provided the 1507  
organization utilizes services provided by registered mortgage- 1508  
loan originators or the organization complies with section- 1509  
1321.522 of the Revised Code and holds a valid letter of 1510  
exemption issued by the superintendent. 1511~~

(E) No person engaged in the business of selling tangible 1512  
goods or services related to tangible goods may receive or 1513  
retain a certificate under sections 1321.51 to 1321.60 of the 1514  
Revised Code for such place of business. 1515

**Sec. 1321.54.** (A) The division of financial institutions 1516  
may adopt, in accordance with Chapter 119. of the Revised Code, 1517  
rules that are necessary for the enforcement or administration 1518  
of sections 1321.51 to 1321.60 of the Revised Code and that are 1519  
consistent with those sections and rules to carry out the 1520  
purposes of those sections. 1521

(B) (1) The division may, upon written notice to the 1522  
registrant ~~or licensee~~ stating the contemplated action, the 1523  
grounds for the action, and the registrant's ~~or licensee's~~ 1524  
reasonable opportunity to be heard on the action in accordance 1525  
with Chapter 119. of the Revised Code, revoke, suspend, or 1526  
refuse to renew any certificate ~~or license~~ issued under sections 1527  
1321.51 to 1321.60 of the Revised Code if it finds any of the 1528  
following: 1529

(a) A violation of or failure to comply with any provision 1530  
of sections 1321.51 to 1321.60 of the Revised Code or the rules 1531

adopted thereunder, any federal lending law, or any other law 1532  
applicable to the business conducted under a certificate of 1533  
registration ~~or license;~~ 1534

(b) The person has been convicted of or pleaded guilty or 1535  
nolo contendere to any criminal felony offense in a domestic, 1536  
foreign, or military court; 1537

(c) The person has been convicted of or pleaded guilty or 1538  
nolo contendere to any criminal offense involving theft, 1539  
receiving stolen property, embezzlement, forgery, fraud, passing 1540  
bad checks, money laundering, breach of trust, dishonesty, or 1541  
drug trafficking, or any criminal offense involving money or 1542  
securities, in a domestic, foreign, or military court; 1543

~~(d) The person's mortgage lender certificate of 1544  
registration or mortgage loan originator license, or comparable 1545  
authority, has been revoked in any governmental jurisdiction. 1546~~

(2) In addition to, or in lieu of, any revocation, 1547  
suspension, or denial, the division may impose a monetary fine 1548  
after administrative hearing or in settlement of matters subject 1549  
to claims under division (B) (1) (a) of this section. 1550

~~(3) Subject to division (D) (3) of section 1321.52 of the 1551  
Revised Code, the The revocation, suspension, or refusal to 1552  
renew shall not impair the obligation of any pre-existing lawful 1553  
contract made under sections 1321.51 to 1321.60 of the Revised 1554  
Code; provided, however, that a prior registrant shall make good 1555  
faith efforts to promptly transfer the registrant's collection 1556  
rights to another registrant or person exempt from registration, 1557  
or be subject to additional monetary fines and legal or 1558  
administrative action by the division. Nothing in division (B) 1559  
(3) of this section shall limit a court's ability to impose a 1560~~

cease and desist order preventing any further business or 1561  
servicing activity. 1562

(C) (1) The superintendent of financial institutions may 1563  
impose a fine for a violation of sections 1321.51 to 1321.60 of 1564  
the Revised Code or any rule adopted thereunder. All fines 1565  
collected pursuant to this section shall be paid to the 1566  
treasurer of state to the credit of the consumer finance fund 1567  
created in section 1321.21 of the Revised Code. In determining 1568  
the amount of a fine to be imposed pursuant to this section, the 1569  
superintendent may consider all of the following to the extent 1570  
it is known to the division of financial institutions: 1571

(a) The seriousness of the violation; 1572

(b) The registrant's ~~or licensee's~~ good faith efforts to 1573  
prevent the violation; 1574

(c) The registrant's ~~or licensee's~~ history regarding 1575  
violations and compliance with division orders; 1576

(d) The registrant's ~~or licensee's~~ financial resources; 1577

(e) Any other matters the superintendent considers 1578  
appropriate in enforcing sections 1321.51 to 1321.60 of the 1579  
Revised Code. 1580

(2) Monetary fines imposed under this division shall not 1581  
exceed twenty-five thousand dollars and do not preclude any 1582  
criminal fine imposed pursuant to section 1321.99 of the Revised 1583  
Code. 1584

(D) The superintendent may investigate alleged violations 1585  
of sections 1321.51 to 1321.60 of the Revised Code, or the rules 1586  
adopted thereunder, or complaints concerning any such violation. 1587  
The superintendent may make application to the court of common 1588

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

(E) In conducting an investigation pursuant to this 1600  
section, the superintendent may compel, by subpoena, witnesses 1601  
to testify in relation to any matter over which the 1602  
superintendent has jurisdiction, and may require the production 1603  
or photocopying of any book, record, or other document 1604  
pertaining to such matter. If a person fails to file any 1605  
statement or report, obey any subpoena, give testimony, produce 1606  
any book, record, or other document as required by such a 1607  
subpoena, or permit photocopying of any book, record, or other 1608  
document subpoenaed, the court of common pleas of any county in 1609  
this state, upon application made to it by the superintendent, 1610  
shall compel obedience by attachment proceedings for contempt, 1611  
as in the case of disobedience of the requirements of a subpoena 1612  
issued from the court, or a refusal to testify therein. 1613

(F) If the superintendent determines that a person is 1614  
engaged in, or is believed to be engaged in, activities that may 1615  
constitute a violation of sections 1321.51 to 1321.60 of the 1616  
Revised Code or the rules adopted thereunder, the superintendent 1617  
may, after notice and a hearing conducted in accordance with 1618  
Chapter 119. of the Revised Code, issue a cease and desist 1619

order. The superintendent, in taking administrative action to 1620  
enjoin a person from acting as a registrant ~~or mortgage loan~~ 1621  
~~originator in violation of division (A) or (E) of section~~ 1622  
~~1321.52 of the Revised Code~~, may also seek and impose fines for 1623  
those violations in an amount not to exceed five thousand 1624  
dollars per violation. Such an order shall be enforceable in the 1625  
court of common pleas. 1626

~~(G) The superintendent shall regularly report violations~~ 1627  
~~of sections 1321.51 to 1321.60 of the Revised Code, as well as~~ 1628  
~~enforcement actions and other relevant information, to the~~ 1629  
~~nationwide mortgage licensing system and registry pursuant to~~ 1630  
~~division (E) of section 1321.55 of the Revised Code.~~ 1631

~~(H)~~ (1) To protect the public interest, the superintendent 1632  
may, without a prior hearing, ~~do any of the following:~~ 1633

~~(a) Suspend suspend the certificate of registration or~~ 1634  
~~license of a person who is convicted of or pleads guilty or nolo~~ 1635  
~~contendere to a criminal violation of sections 1321.51 to~~ 1636  
~~1321.60 of the Revised Code or any criminal offense described in~~ 1637  
~~division (B) (1) (b) or (c) of this section.~~ 1638

~~(b) Suspend the certificate of registration or license of~~ 1639  
~~a person who violates division (F) of section 1321.533 of the~~ 1640  
~~Revised Code;~~ 1641

~~(c) Suspend the certificate of registration or license of~~ 1642  
~~a person who fails to comply with a request made by the~~ 1643  
~~superintendent under this section or section 1321.55 of the~~ 1644  
~~Revised Code to inspect qualifying education transcripts located~~ 1645  
~~at the registrant's or licensee's place of business.~~ 1646

(2) The superintendent may, in accordance with Chapter 1647  
119. of the Revised Code, subsequently revoke any registration 1648



~~or license~~ suspended under division ~~(H)~~(G)(1) of this section. 1649

(3) The superintendent shall, in accordance with Chapter 1650  
119. of the Revised Code, adopt rules establishing the maximum 1651  
amount of time a suspension under division ~~(H)~~(G)(1) of this 1652  
section may continue before a hearing is conducted. 1653

**Sec. 1321.55.** (A) Every registrant shall keep records 1654  
pertaining to loans made under sections 1321.51 to 1321.60 of 1655  
the Revised Code. Such records shall be segregated from records 1656  
pertaining to transactions that are not subject to these 1657  
sections of the Revised Code. Every registrant shall preserve 1658  
records pertaining to loans made under sections 1321.51 to 1659  
1321.60 of the Revised Code for at least two years after making 1660  
the final entry on such records. Accounting systems maintained 1661  
in whole or in part by mechanical or electronic data processing 1662  
methods that provide information equivalent to that otherwise 1663  
required are acceptable for this purpose. At least once each 1664  
eighteen-month cycle, the division of financial institutions 1665  
shall make or cause to be made an examination of records 1666  
pertaining to loans made under sections 1321.51 to 1321.60 of 1667  
the Revised Code, for the purpose of determining whether the 1668  
registrant is complying with these sections and of verifying the 1669  
registrant's annual report. 1670

(B) (1) As required by the superintendent of financial 1671  
institutions, each registrant shall file with the division each 1672  
year an annual report under oath or affirmation, on forms 1673  
supplied by the division, concerning the business and operations 1674  
for the preceding calendar year. Whenever a registrant operates 1675  
two or more registered offices or whenever two or more 1676  
affiliated registrants operate registered offices, then a 1677  
composite report of the group of registered offices may be filed 1678

in lieu of individual reports. ~~For purposes of compliance with~~ 1679  
~~this requirement, the superintendent may accept call reports or~~ 1680  
~~other reports of condition submitted to the nationwide mortgage~~ 1681  
~~licensing system and registry in lieu of the annual report.~~ 1682

(2) The superintendent shall publish annually an analysis 1683  
of the information required under divisions (B) (1) and (3) of 1684  
this section, but the individual reports, ~~whether filed with the~~ 1685  
~~superintendent or the nationwide mortgage licensing system and~~ 1686  
~~registry,~~ shall not be public records and shall not be open to 1687  
public inspection. 1688

~~(3) Each mortgage licensee shall submit to the nationwide~~ 1689  
~~mortgage licensing system and registry call reports or other~~ 1690  
~~reports of condition, which shall be in such form and shall~~ 1691  
~~contain such information as the nationwide mortgage licensing~~ 1692  
~~system and registry may require.~~ 1693

(C) (1) The following information is confidential: 1694

(a) Examination information, and any information leading 1695  
to or arising from an examination; 1696

(b) Investigation information, and any information arising 1697  
from or leading to an investigation. 1698

(2) The information described in division (C) (1) of this 1699  
section shall remain confidential for all purposes except when 1700  
it is necessary for the superintendent to take official action 1701  
regarding the affairs of a registrant ~~or licensee,~~ or in 1702  
connection with criminal or civil proceedings to be initiated by 1703  
a prosecuting attorney or the attorney general. This information 1704  
may also be introduced into evidence or disclosed when and in 1705  
the manner authorized by section 1181.25 of the Revised Code. 1706

(D) All application information, except social security 1707

numbers, employer identification numbers, financial account 1708  
numbers, the identity of the institution where financial 1709  
accounts are maintained, personal financial information, 1710  
fingerprint cards and the information contained on such cards, 1711  
and criminal background information, is a public record as 1712  
defined in section 149.43 of the Revised Code. 1713

(E) This section does not prevent the division of 1714  
financial institutions from releasing to or exchanging with 1715  
other financial institution regulatory authorities information 1716  
relating to registrants ~~and licensees~~. For this purpose, a 1717  
"financial institution regulatory authority" includes a 1718  
regulator of a business activity in which a registrant ~~or~~ 1719  
~~licensee~~ is engaged, or has applied to engage in, to the extent 1720  
that the regulator has jurisdiction over a registrant ~~or~~ 1721  
~~licensee~~ engaged in that business activity. A registrant ~~or~~ 1722  
~~licensee~~ is engaged in a business activity, and a regulator of 1723  
that business activity has jurisdiction over the registrant ~~or~~ 1724  
~~licensee~~, whether the registrant ~~or licensee~~ conducts the 1725  
activity directly or a subsidiary or affiliate of the registrant 1726  
~~or licensee~~ conducts the activity. 1727

(1) ~~Any confidentiality or privilege arising under federal~~ 1728  
~~or state law with respect to any information or material~~ 1729  
~~provided to the nationwide mortgage licensing system and~~ 1730  
~~registry shall continue to apply to the information or material~~ 1731  
~~after the information or material has been provided to the~~ 1732  
~~nationwide mortgage licensing system and registry. The~~ 1733  
~~information and material so provided may be shared with all~~ 1734  
~~state and federal regulatory officials with mortgage industry~~ 1735  
~~oversight authority without the loss of confidentiality or~~ 1736  
~~privilege protections provided by federal law or the law of any~~ 1737  
~~state. Information or material described in division (E) (1) of~~ 1738

~~this section to which confidentiality or privilege applies shall~~ 1739  
~~not be subject to any of the following:~~ 1740

~~(a) Disclosure under any federal or state law governing~~ 1741  
~~disclosure to the public of information held by an officer or an~~ 1742  
~~agency of the federal government or of the respective state;~~ 1743

~~(b) Subpoena or discovery, or admission into evidence, in~~ 1744  
~~any private civil action or administrative process, unless the~~ 1745  
~~person to whom such information or material pertains waives, in~~ 1746  
~~whole or in part and at the discretion of the person, any~~ 1747  
~~privilege held by the nationwide mortgage licensing system and~~ 1748  
~~registry with respect to that information or material.~~ 1749

~~(2) The superintendent, in order to promote more effective~~ 1750  
~~regulation and reduce regulatory burden through supervisory~~ 1751  
~~information sharing, may enter into sharing arrangements with~~ 1752  
~~other governmental agencies, the conference of state bank~~ 1753  
~~supervisors, and the American association of residential~~ 1754  
~~mortgage regulators.~~ 1755

~~(3) (2) Any state law, including section 149.43 of the~~ 1756  
~~Revised Code, relating to the disclosure of confidential~~ 1757  
~~supervisory information or any information or material described~~ 1758  
~~in division (C) (1) or (E) (1) of this section that is~~ 1759  
~~inconsistent with this section shall be superseded by the~~ 1760  
~~requirements of this section.~~ 1761

~~(F) This section shall not apply with respect to~~ 1762  
~~information or material relating to the employment history of,~~ 1763  
~~and publicly adjudicated disciplinary and enforcement actions~~ 1764  
~~against, mortgage loan originators that is included in the~~ 1765  
~~nationwide mortgage licensing system and registry for access by~~ 1766  
~~the public.~~ 1767

~~(G) This section does not prevent the division from releasing information relating to registrants and licensees to the attorney general, to the superintendent of real estate and professional licensing for purposes relating to the administration of Chapters 4735. and 4763. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the commissioner of securities for purposes relating to the administration of Chapter 1707. of the Revised Code, or to local law enforcement agencies and local prosecutors. Information the division releases pursuant to this section remains confidential.~~ 1768  
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~~(H) The superintendent of financial institutions shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish a process by which mortgage loan originators may challenge information provided to the nationwide mortgage licensing system and registry by the superintendent.~~ 1779  
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~~(I) No person, in connection with any examination or investigation conducted by the superintendent under sections 1321.51 to 1321.60 of the Revised Code, shall knowingly do any of the following:~~ 1784  
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(1) 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; 1788  
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(2) Withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information; 1792  
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1794

(3) Tamper with, alter, or manufacture any evidence. 1795

**Sec. 1321.551.** ~~(A)~~ No registrant shall conduct the 1796

business of making loans under sections 1321.51 to 1321.60 of 1797  
the Revised Code in any office, room, or place of business in 1798  
which any other business is solicited or engaged in, or in 1799  
association or conjunction with any other such business, if the 1800  
superintendent of financial institutions finds, pursuant to a 1801  
hearing conducted in accordance with Chapter 119. of the Revised 1802  
Code, that the other business is of such a nature that the 1803  
conduct tends to conceal evasion of sections 1321.51 to 1321.60 1804  
of the Revised Code or of the rules adopted under those 1805  
sections, and orders the registrant in writing to desist from 1806  
the conduct. 1807

~~(B) The business of a mortgage loan originator shall 1808  
principally be transacted at an office of the registrant with 1809  
whom the licensee is employed or associated, which office is 1810  
registered, if applicable, in accordance with division (A)(1) of 1811  
section 1321.52 of the Revised Code. Each original mortgage loan 1812  
originator license shall be deposited with and maintained at the 1813  
registrant's main office. A copy of the mortgage loan originator 1814  
license shall be maintained and displayed at the office where 1815  
the mortgage loan originator principally transacts business. 1816~~

~~(C) If a mortgage loan originator's employment or 1817  
association is terminated for any reason, the registrant shall 1818  
return the original mortgage loan originator license to the 1819  
superintendent within five business days after the termination. 1820  
The licensee may request the transfer of the license to another 1821  
registrant by submitting a transfer application, along with a 1822  
fifteen dollar fee and any fee required by the national mortgage 1823  
licensing system and registry, to the superintendent, or may 1824  
request in writing that the superintendent hold the license in 1825  
escrow. A licensee whose license is held in escrow shall cease 1826  
activity as a mortgage loan originator. A licensee whose license 1827~~

~~is held in escrow shall be required to apply for renewal~~ 1828  
~~annually and to comply with the annual continuing education~~ 1829  
~~requirement.~~ 1830

~~(D) A registrant may employ or be associated with a~~ 1831  
~~mortgage loan originator on a temporary basis pending the~~ 1832  
~~transfer of the mortgage loan originator's license to the~~ 1833  
~~registrant, if the registrant receives written confirmation from~~ 1834  
~~the superintendent that the mortgage loan originator is licensed~~ 1835  
~~under sections 1321.51 to 1321.60 of the Revised Code.~~ 1836

~~(E) Notwithstanding divisions (B), (C), and (D) of this~~ 1837  
~~section, if a mortgage loan originator is employed by or~~ 1838  
~~associated with a person claiming an exemption under division~~ 1839  
~~(D) of section 1321.53 of the Revised Code, the mortgage loan~~ 1840  
~~originator shall maintain and display the original mortgage loan~~ 1841  
~~originator license at the office where the mortgage loan~~ 1842  
~~originator principally transacts business.~~ 1843

~~If the mortgage loan originator's employment or~~ 1844  
~~association is terminated for any reason, the licensee shall~~ 1845  
~~return the original mortgage loan originator license to the~~ 1846  
~~superintendent within five business days after the termination.~~ 1847  
~~The licensee may request the transfer of the license to a~~ 1848  
~~mortgage broker or other person claiming an exemption under~~ 1849  
~~division (D) of section 1321.53 of the Revised Code by~~ 1850  
~~submitting a transfer application, along with a fifteen dollar~~ 1851  
~~fee and any fee required by the national mortgage licensing~~ 1852  
~~system and registry, to the superintendent, or may request the~~ 1853  
~~superintendent in writing to hold the license in escrow. A~~ 1854  
~~licensee whose license is held in escrow shall cease activity as~~ 1855  
~~a mortgage loan originator. A licensee whose license is held in~~ 1856  
~~escrow shall be required to apply for renewal annually and to~~ 1857

~~comply with the annual continuing education requirement.~~ 1858

~~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.~~ 1859  
1860  
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1864

~~(F) No registrant, through its managers or otherwise, shall fail to do either of the following:~~ 1865  
1866

~~(1) Reasonably supervise mortgage loan originators or other persons employed by or associated with the registrant;~~ 1867  
1868

~~(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.~~ 1869  
1870  
1871  
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1873  
1874

~~(G) A license, or the authority granted under that license, is not assignable and cannot be franchised by contract or any other means.~~ 1875  
1876  
1877

**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 rate or rates not exceeding twenty-one per cent per year on the unpaid principal balances of the loan. Loans may be interest-bearing or precomputed. 1878  
1879  
1880  
1881  
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1883

(B) For purposes of computation of time on interest-bearing and precomputed loans, including, but not limited to, the calculation of interest, a month is considered one-twelfth 1884  
1885  
1886



of a year, and a day is considered one three hundred sixty-fifth 1887  
of a year when calculation is made for a fraction of a month. A 1888  
year is as defined in section 1.44 of the Revised Code. A month 1889  
is that period described in section 1.45 of the Revised Code. 1890  
Alternatively, a registrant may consider a day as one three 1891  
hundred sixtieth of a year and each month as having thirty days. 1892

(C) With respect to interest-bearing loans: 1893

(1) (a) Interest shall be computed on unpaid principal 1894  
balances outstanding from time to time, for the time 1895  
outstanding. 1896

(b) As an alternative to the method of computing interest 1897  
set forth in division (C) (1) (a) of this section, a registrant 1898  
may charge and collect interest for the first installment period 1899  
based on elapsed time from the date of the loan to the first 1900  
scheduled payment due date, and for each succeeding installment 1901  
period from the scheduled payment due date to the next scheduled 1902  
payment due date, regardless of the date or dates the payments 1903  
are actually made. 1904

(c) Whether a registrant computes interest pursuant to 1905  
division (C) (1) (a) or (b) of this section, each payment shall be 1906  
applied first to unpaid charges, then to interest, and the 1907  
remainder to the unpaid principal balance. However, if the 1908  
amount of the payment is insufficient to pay the accumulated 1909  
interest, the unpaid interest continues to accumulate to be paid 1910  
from the proceeds of subsequent payments and is not added to the 1911  
principal balance. 1912

(2) Interest shall not be compounded, collected, or paid 1913  
in advance. However, both of the following apply: 1914

(a) Interest may be charged to extend the first monthly 1915

installment period by not more than fifteen days, and the 1916  
interest charged for the extension may be added to the principal 1917  
amount of the loan. 1918

(b) If part or all of the consideration for a new loan 1919  
contract is the unpaid principal balance of a prior loan, the 1920  
principal amount payable under the new loan contract may include 1921  
any unpaid interest that has accrued. The resulting loan 1922  
contract shall be deemed a new and separate loan transaction for 1923  
purposes of this section. The unpaid principal balance of a 1924  
precomputed loan is the balance due after refund or credit of 1925  
unearned interest as provided in division (D) (3) of this 1926  
section. 1927

(D) With respect to precomputed loans: 1928

(1) Loans shall be repayable in monthly installments of 1929  
principal and interest combined, except that the first 1930  
installment period may exceed one month by not more than fifteen 1931  
days, and the first installment payment amount may be larger 1932  
than the remaining payments by the amount of interest charged 1933  
for the extra days; and provided further that monthly 1934  
installment payment dates may be omitted to accommodate 1935  
borrowers with seasonal income. 1936

(2) Payments may be applied to the combined total of 1937  
principal and precomputed interest until maturity of the loan. A 1938  
registrant may charge interest after the original or deferred 1939  
maturity of a precomputed loan at the rate specified in division 1940  
(A) of this section on all unpaid principal balances for the 1941  
time outstanding. 1942

(3) When any loan contract is paid in full by cash, 1943  
renewal, refinancing, or a new loan, one month or more before 1944

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

(4) If the parties agree in writing, either in the loan 1961  
contract or in a subsequent agreement, to a deferment of wholly 1962  
unpaid installments, a registrant may grant a deferment and may 1963  
collect a deferment charge as provided in this section. A 1964  
deferment postpones the scheduled due date of the earliest 1965  
unpaid installment and all subsequent installments as originally 1966  
scheduled, or as previously deferred, for a period equal to the 1967  
deferment period. The deferment period is that period during 1968  
which no installment is scheduled to be paid by reason of the 1969  
deferment. The deferment charge for a one-month period may not 1970  
exceed the applicable charge for the installment period 1971  
immediately following the due date of the last undeferred 1972  
installment. A proportionate charge may be made for deferment 1973  
for periods of more or less than one month. A deferment charge 1974  
is earned pro rata during the deferment period and is fully 1975

earned on the last day of the deferment period. If a loan is 1976  
prepaid in full during a deferment period, the registrant shall 1977  
make, or credit to the borrower, a refund of the unearned 1978  
deferment charge in addition to any other refund or credit made 1979  
for prepayment of the loan in full. 1980

(E) A registrant, at the request of the borrower, may 1981  
obtain, on one or more borrowers, credit life insurance, credit 1982  
accident and health insurance, and unemployment insurance. The 1983  
premium or identifiable charge for the insurance may be included 1984  
in the principal amount of the loan and may not exceed the 1985  
premium rate filed by the insurer with the superintendent of 1986  
insurance and not disapproved by the superintendent. If a 1987  
registrant obtains the insurance at the request of the borrower, 1988  
the borrower shall have the right to cancel the insurance for a 1989  
period of twenty-five days after the loan is made. If the 1990  
borrower chooses to cancel the insurance, the borrower shall 1991  
give the registrant written notice of this choice and shall 1992  
return all of the policies or certificates of insurance or 1993  
notices of proposed insurance to the registrant during such 1994  
period, and the full premium or identifiable charge for the 1995  
insurance shall be refunded to the borrower by the registrant. 1996  
If the borrower requests, in the notice to cancel the insurance, 1997  
that this refund be applied to reduce the balance of a 1998  
precomputed loan, the registrant shall credit the amount of the 1999  
refund plus the amount of interest applicable to the refund to 2000  
the loan balance. 2001

If the registrant obtains the insurance at the request of 2002  
the borrower, the registrant shall not charge or collect 2003  
interest on any insured amount that remains unpaid after the 2004  
insured borrower's date of death. 2005

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

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

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

~~(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;~~

~~(b) A prepayment penalty.~~

~~(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:~~ 2036-2049

~~(a) The loan is a refinancing by the same registrant or a registrant to whom the loan has been assigned;~~ 2050-2051

~~(b) The loan is paid in full as a result of the sale of the real estate that secures the loan;~~ 2052-2053

~~(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.~~ 2054-2057

~~(3) Division (G) of this section is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note.~~ 2058-2061

~~(H)(1) In addition to the interest and charges provided for by this section, no further or other amount, whether in the form of broker fees, placement fees, or any other fees~~ 2062-2064

whatsoever, shall be charged or received by the registrant, 2065  
except costs and disbursements in connection with any suit to 2066  
collect a loan or any lawful activity to realize on a security 2067  
interest ~~or mortgage~~ after default, including reasonable 2068  
attorney fees incurred by the registrant as a result of the suit 2069  
or activity and to which the registrant becomes entitled by law, 2070  
and except the following additional charges which may be 2071  
included in the principal amount of the loan or collected at any 2072  
time after the loan is made: 2073

(a) The amounts of fees authorized by law to record, file, 2074  
or release security interests ~~and mortgages~~ on a loan; 2075

~~(b) With respect to a loan secured by an interest in real- 2076  
estate, the following closing costs, if they are bona fide, 2077  
reasonable in amount, paid to third parties, and not for the 2078  
purpose of circumvention or evasion of this section: 2079~~

~~(i) Fees or premiums for title examination, abstract of 2080  
title, title insurance, surveys, title endorsements, title 2081  
binders, title commitments, home inspections, or pest 2082  
inspections; settlement or closing costs paid to unaffiliated 2083  
third parties; courier fees; and any federally mandated flood 2084  
plain certification fee; 2085~~

~~(ii) If not paid to the registrant, an employee of the 2086  
registrant, or a person affiliated with the registrant, fees for 2087  
preparation of a mortgage, settlement statement, or other 2088  
documents, fees for notarizing mortgages and other documents, 2089  
appraisal fees, and fees for any federally mandated inspection 2090  
of home improvement work financed by a second mortgage loan; 2091~~

~~(e) Fees for credit investigations not exceeding ten 2092  
dollars. 2093~~

(2) Division ~~(H)~~(G) (1) of this section does not limit the 2094  
rights of registrants to engage in other transactions with 2095  
borrowers, provided the transactions are not a condition of the 2096  
loan. 2097

~~(I)~~(H) If the loan contract or security instrument 2098  
contains covenants by the borrower to perform certain duties 2099  
pertaining to insuring or preserving security and the registrant 2100  
pursuant to the loan contract or security instrument pays for 2101  
performance of the duties on behalf of the borrower, the 2102  
registrant may add the amounts paid to the unpaid principal 2103  
balance of the loan or collect them separately. A charge for 2104  
interest may be made for sums advanced not exceeding the rate of 2105  
interest permitted by division (A) of this section. Within a 2106  
reasonable time after advancing a sum, the registrant shall 2107  
notify the borrower in writing of the amount advanced, any 2108  
interest charged with respect to the amount advanced, any 2109  
revised payment schedule, and shall include a brief description 2110  
of the reason for the advance. 2111

~~(J)~~(I) (1) ~~In addition to points authorized under division~~ 2112  
~~(G) of this section, a~~A registrant may charge and receive the 2113  
following: 2114

(a) With respect to ~~loans secured by goods or real estate~~ 2115  
loans: if the principal amount of the loan is five hundred 2116  
dollars or less, loan origination charges not exceeding fifteen 2117  
dollars; if the principal amount of the loan is more than five 2118  
hundred dollars but less than one thousand dollars, loan 2119  
origination charges not exceeding thirty dollars; if the 2120  
principal amount of the loan is at least one thousand dollars 2121  
but less than two thousand dollars, loan origination charges not 2122  
exceeding one hundred dollars; if the principal amount of the 2123



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

(b) With respect to loans that are not secured ~~by goods or~~ 2130  
~~real estate~~: if the principal amount of the loan is five hundred 2131  
dollars or less, loan origination charges not exceeding fifteen 2132  
dollars; if the principal amount of the loan is more than five 2133  
hundred dollars but less than one thousand dollars, loan 2134  
origination charges not exceeding thirty dollars; if the 2135  
principal amount of the loan is at least one thousand dollars 2136  
but less than five thousand dollars, loan origination charges 2137  
not exceeding one hundred dollars; and if the principal amount 2138  
of the loan is at least five thousand dollars, loan origination 2139  
charges not exceeding the greater of two hundred fifty dollars 2140  
or one per cent of the principal amount of the loan. 2141

(2) If a refinancing occurs within ninety days after the 2142  
date of the refinanced loan, a registrant may not impose loan 2143  
origination charges on the portion of the principal amount that 2144  
is applied to the unpaid principal amount of the refinanced 2145  
loan. 2146

(3) Loan origination charges may be paid by the borrower 2147  
at the time of the loan or may be included in the principal 2148  
amount of the loan. 2149

~~(K)~~ (J) A registrant may charge and receive check 2150  
collection charges not greater than twenty dollars plus any 2151  
amount passed on from other depository institutions for each 2152  
check, negotiable order of withdrawal, share draft, or other 2153

negotiable instrument returned or dishonored for any reason. 2154

~~(L)~~(K) If the loan contract so provides, a registrant may 2155  
collect a default charge on any installment not paid in full 2156  
within ten days after its due date. For this purpose, all 2157  
installments are considered paid in the order in which they 2158  
become due. Any amounts applied to an outstanding loan balance 2159  
as a result of voluntary release of a security interest, sale of 2160  
security on the loan, or cancellation of insurance shall be 2161  
considered payments on the loan, unless the parties otherwise 2162  
agree in writing at the time the amounts are applied. The amount 2163  
of the default charge shall not exceed the greater of five per 2164  
cent of the scheduled installment or fifteen dollars. 2165

**Sec. 1321.58.** (A) A registrant may make open-end loans 2166  
pursuant to an agreement between the registrant and the borrower 2167  
whereby: 2168

(1) The registrant may permit the borrower to obtain 2169  
advances of money from the registrant from time to time or the 2170  
registrant may advance money on behalf of the borrower from time 2171  
to time as directed by the borrower. 2172

(2) The amount of each advance and permitted interest, 2173  
charges, and costs are debited to the borrower's account and 2174  
payments and other credits are credited to the same account. 2175

(3) The interest and charges are computed on the unpaid 2176  
balance or balances of the account from time to time. 2177

(4) The borrower has the privilege of paying the account 2178  
in full at any time or, if the account is not in default, in 2179  
installments of determinable amounts as provided in the 2180  
agreement. 2181

For open-end loans, "billing cycle" means the time 2182

interval between periodic billing dates. A billing cycle shall 2183  
be considered monthly if the closing date of the cycle is the 2184  
same date each month or does not vary by more than four days 2185  
from such date. 2186

(B) Notwithstanding any other provisions of the Revised 2187  
Code, a registrant may contract for and receive interest for 2188  
open-end loans at a rate or rates not exceeding twenty-one per 2189  
cent per year and may compute interest in each billing cycle by 2190  
either of the following methods: 2191

(1) By multiplying the daily rate by the daily unpaid 2192  
balance of the account, in which case the daily rate is 2193  
determined by dividing the annual rate by three hundred sixty- 2194  
five; 2195

(2) By multiplying the monthly rate by the average daily 2196  
unpaid balance of the account in the billing cycle, in which 2197  
case the average daily unpaid balance is the sum of all of the 2198  
daily unpaid balances each day during the cycle divided by the 2199  
number of days in the cycle. The monthly rate is determined by 2200  
dividing the annual rate by twelve. 2201

The billing cycle shall be monthly and the unpaid balance 2202  
on any day shall be determined by adding to any balance unpaid 2203  
as of the beginning of that day all advances and permitted 2204  
interest, charges, and costs and deducting all payments and 2205  
other credits made or received that day. 2206

(C) In addition to the interest permitted in division (B) 2207  
of this section, a registrant may charge and receive or add to 2208  
the unpaid balance any or all of the following: 2209

(1) All charges and costs authorized by divisions (E), 2210  
(F), (G), (H), ~~(I)~~, and ~~(K)~~ (J) of section 1321.57 of the 2211

Revised Code;	2212
(2) An annual credit line charge, for the privilege of	2213
maintaining a line of credit, as follows:	2214
(a) For the first year:	2215
(i) If the original credit line is less than five thousand	2216
dollars, an amount not exceeding one hundred fifty dollars;	2217
(ii) If the original credit line is at least five thousand	2218
dollars, an amount not exceeding the greater of one per cent of	2219
the original credit line or two hundred fifty dollars.	2220
(b) For subsequent years an amount not exceeding the	2221
greater of one-half per cent of the credit line on the	2222
anniversary date or fifty dollars.	2223
(3) A default charge on any required minimum payment not	2224
paid in full within ten days after its due date. For this	2225
purpose, all required minimum payments are considered paid in	2226
the order in which they become due. The amount of the default	2227
charge shall not exceed the greater of five per cent of the	2228
required minimum payment or fifteen dollars.	2229
(D) The borrower at any time may pay all or any part of	2230
the unpaid balance on the account or, if the account is not in	2231
default, the borrower may pay the unpaid balance in installments	2232
subject to minimum payment requirements as determined by the	2233
registrant and set forth in the open-end loan agreement.	2234
(E) If credit life insurance or credit accident and health	2235
insurance is obtained by the registrant and if the insured dies	2236
or becomes disabled when there is an outstanding open-end loan	2237
indebtedness, the insurance shall be sufficient to pay the	2238
unpaid balance on the loan due on the date of the borrower's	2239

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

(F) Whenever there is no unpaid balance in an open-end 2259  
loan account, the account may be terminated by written notice, 2260  
by the borrower or the registrant, to the other party. ~~If a~~ 2261  
~~registrant has taken a mortgage on real property to secure the~~ 2262  
~~open end loan, the registrant shall deliver, within thirty days~~ 2263  
~~following termination of the account, a release of the mortgage~~ 2264  
~~to the borrower.~~ If a registrant has taken a security interest 2265  
in personal property to secure the open-end loan, the registrant 2266  
shall release the security interest and terminate any financing 2267  
statement in accordance with section 1309.513 of the Revised 2268  
Code. 2269

**Sec. 1321.59.** (A) No registrant under sections 1321.51 to 2270

1321.60 of the Revised Code shall permit any borrower to be 2271  
indebted for a loan made under sections 1321.51 to 1321.60 of 2272  
the Revised Code at any time while the borrower is also indebted 2273  
to an affiliate or agent of the registrant for a loan made under 2274  
sections 1321.01 to 1321.19 of the Revised Code for the purpose 2275  
or with the result of obtaining greater charges than otherwise 2276  
would be permitted by sections 1321.51 to 1321.60 of the Revised 2277  
Code. 2278

(B) No registrant shall induce or permit any person to 2279  
become obligated to the registrant under sections 1321.51 to 2280  
1321.60 of the Revised Code, directly or contingently, or both, 2281  
under more than one contract of loan at the same time for the 2282  
purpose or with the result of obtaining greater charges than 2283  
would otherwise be permitted by sections 1321.51 to 1321.60 of 2284  
the Revised Code. 2285

(C) No registrant shall refuse to provide information 2286  
regarding the amount required to pay in full a loan under 2287  
sections 1321.51 to 1321.60 of the Revised Code when requested 2288  
by the borrower or by another person designated in writing by 2289  
the borrower. 2290

~~(D) On any loan or application for a loan under sections~~ 2291  
~~1321.51 to 1321.60 of the Revised Code secured by a mortgage on~~ 2292  
~~a borrower's real estate which is other than a first lien on the~~ 2293  
~~real estate, no person shall pay or receive, directly or~~ 2294  
~~indirectly, fees or any other type of compensation for services~~ 2295  
~~of a mortgage broker that, in the aggregate, exceed the lesser~~ 2296  
~~of one thousand dollars or one per cent of the principal amount~~ 2297  
~~of the loan.~~ 2298

~~(E) No registrant or licensee shall obtain a certificate~~ 2299  
~~of registration or license through any false or fraudulent~~ 2300

~~representation of a material fact or any omission of a material~~ 2301  
~~fact required by state or federal law, or make any substantial~~ 2302  
~~misrepresentation in the registration or license application, to~~ 2303  
~~engage in lending secured by real estate.~~ 2304

~~(F) No registrant or licensee, in connection with the~~ 2305  
~~business of making or offering to make residential mortgage~~ 2306  
~~loans, shall knowingly make false or misleading statements of a~~ 2307  
~~material fact, omissions of statements required by state or~~ 2308  
~~federal law, or false promises regarding a material fact,~~ 2309  
~~through advertising or other means, or engage in a continued~~ 2310  
~~course of misrepresentations.~~ 2311

~~(G) No registrant, licensee, or person making loans~~ 2312  
~~without a certificate of registration in violation of division~~ 2313  
~~(A) of section 1321.52 of the Revised Code, shall knowingly~~ 2314  
~~engage in conduct, in connection with the business of making or~~ 2315  
~~offering to make residential mortgage loans, that constitutes~~ 2316  
~~improper, fraudulent, or dishonest dealings.~~ 2317

~~(H) No registrant, licensee, or applicant involved in the~~ 2318  
~~business of making or offering to make residential mortgage~~ 2319  
~~loans shall fail to notify the division of financial~~ 2320  
~~institutions within thirty days after knowing any of the~~ 2321  
~~following:~~ 2322

~~(1) That the registrant, licensee, or applicant has been~~ 2323  
~~convicted of or pleaded guilty or nolo contendere to a felony~~ 2324  
~~offense in a domestic, foreign, or military court;~~ 2325

~~(2) That the registrant, licensee, or applicant has been~~ 2326  
~~convicted of or pleaded guilty or nolo contendere to any~~ 2327  
~~criminal offense involving theft, receiving stolen property,~~ 2328  
~~embezzlement, forgery, fraud, passing bad checks, money~~ 2329

~~laundering, breach of trust, dishonesty, or drug trafficking, or~~ 2330  
~~any criminal offense involving money or securities, in a~~ 2331  
~~domestic, foreign, or military court;~~ 2332

~~(3) That the registrant, licensee, or applicant has had a~~ 2333  
~~mortgage lender registration or mortgage loan originator~~ 2334  
~~license, or comparable authority, revoked in any governmental~~ 2335  
~~jurisdiction.~~ 2336

~~(I) No registrant or licensee shall knowingly make,~~ 2337  
~~propose, or solicit fraudulent, false, or misleading statements~~ 2338  
~~on any mortgage document or on any document related to a~~ 2339  
~~mortgage loan, including a mortgage application, real estate~~ 2340  
~~appraisal, or real estate settlement or closing document. For~~ 2341  
~~purposes of this division, "fraudulent, false, or misleading~~ 2342  
~~statements" does not include mathematical errors, inadvertent~~ 2343  
~~transposition of numbers, typographical errors, or any other~~ 2344  
~~bona fide error.~~ 2345

~~(J) No registrant or licensee shall knowingly instruct,~~ 2346  
~~solicit, propose, or otherwise cause a borrower to sign in blank~~ 2347  
~~a loan related document in connection with a residential~~ 2348  
~~mortgage loan.~~ 2349

~~(K) No registrant or licensee shall knowingly compensate,~~ 2350  
~~instruct, induce, coerce, or intimidate, or attempt to~~ 2351  
~~compensate, instruct, induce, coerce, or intimidate, a person~~ 2352  
~~licensed or certified as an appraiser under Chapter 4763. of the~~ 2353  
~~Revised Code for the purpose of corrupting or improperly~~ 2354  
~~influencing the independent judgment of the person with respect~~ 2355  
~~to the value of the dwelling offered as security for repayment~~ 2356  
~~of a mortgage loan.~~ 2357

~~(L) No registrant or licensee shall willfully retain~~ 2358



~~original documents provided to the registrant or licensee by the~~ 2359  
~~borrower in connection with the residential mortgage loan~~ 2360  
~~application, including income tax returns, account statements,~~ 2361  
~~or other financial related documents.~~ 2362

~~(M) No registrant or licensee shall, in connection with~~ 2363  
~~making residential mortgage loans, receive, directly or~~ 2364  
~~indirectly, a premium on the fees charged for services performed~~ 2365  
~~by a bona fide third party.~~ 2366

~~(N) No registrant or licensee shall, in connection with~~ 2367  
~~making residential mortgage loans, pay or receive, directly or~~ 2368  
~~indirectly, a referral fee or kickback of any kind to or from a~~ 2369  
~~bona fide third party or other party with a related interest in~~ 2370  
~~the transaction, including a home improvement builder, real~~ 2371  
~~estate developer, or real estate broker or agent, for the~~ 2372  
~~referral of business. Nothing in this division shall prevent~~ 2373  
~~remuneration to a registrant or licensee for the licensed sale~~ 2374  
~~of any insurance product that is permitted under section 1321.57~~ 2375  
~~of the Revised Code, provided there is no additional fee or~~ 2376  
~~premium added to the cost for the insurance and paid directly or~~ 2377  
~~indirectly by the borrower.~~ 2378

~~(O) No registrant, licensee, or person making loans~~ 2379  
~~without a certificate of registration in violation of division~~ 2380  
~~(A) of section 1321.52 of the Revised Code shall, in connection~~ 2381  
~~with making or offering to make residential mortgage loans,~~ 2382  
~~engage in any unfair, deceptive, or unconscionable act or~~ 2383  
~~practice prohibited under sections 1345.01 to 1345.13 of the~~ 2384  
~~Revised Code.~~ 2385

**Sec. 1321.60.** (A) ~~(1)~~ Advertising for loans subject to 2386  
sections 1321.51 to 1321.60 of the Revised Code shall not be 2387  
false, misleading, or deceptive. 2388

~~(2) False, misleading, or deceptive advertising includes, but is not limited to, the following:~~ 2389  
2390

~~(a) Placing, or causing to be placed, any advertisement indicating that special terms, reduced rates, guaranteed rates, particular rates, or any other special feature of mortgage loans is available unless the advertisement clearly states any limitations that apply:~~ 2391  
2392  
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~~(b) Placing, or causing to be placed, any advertisement containing a rate or special fee offer that is not a bona fide available rate or fee.~~ 2396  
2397  
2398

(B) In making any advertisement, a registrant shall comply with 12 C.F.R. ~~226.16~~ 1026.16, as ~~amended~~ applicable. 2399  
2400

**Sec. 1321.72.** Except as provided in division (D) of section 1321.78, sections 1321.71 to 1321.83 of the Revised Code do not apply with respect to any of the following: 2401  
2402  
2403

(A) Life, property, or casualty insurance companies authorized to do business in this state as to policies issued by those companies; 2404  
2405  
2406

(B) The inclusion of a charge for insurance in connection with any installment transaction pursuant to Chapter 1317. of the Revised Code; 2407  
2408  
2409

(C) The financing of insurance premiums at a rate of interest not exceeding the maximum rate permitted by section 1343.01 of the Revised Code; 2410  
2411  
2412

(D) Persons lawfully doing business under the authority of any law of this state, another state, or the United States relating to banks, savings banks, trust companies, savings and loan associations, lenders authorized to make loans pursuant to 2413  
2414  
2415  
2416

sections 1321.01 to 1321.19 of the Revised Code, lenders 2417  
authorized to make loans pursuant to sections 1321.51 to 1321.60 2418  
of the Revised Code, mortgage lenders authorized to make loans 2419  
under Chapter 1322. of the Revised Code, or any credit union; 2420

(E) Any person who purchases or otherwise acquires a 2421  
premium finance agreement from a licensee if the licensee 2422  
remains responsible for collecting payments due under the 2423  
agreement, and for otherwise servicing the agreement, in 2424  
compliance with sections 1321.71 to 1321.83 of the Revised Code. 2425

**Sec. 1321.99.** (A) Whoever violates section 1321.02 of the 2426  
Revised Code is guilty of a felony of the fifth degree. 2427

(B) Whoever violates section 1321.13 of the Revised Code 2428  
shall be fined not less than one hundred nor more than five 2429  
hundred dollars or imprisoned not more than six months, or both. 2430

(C) Whoever violates section 1321.14 of the Revised Code 2431  
shall be fined not less than fifty nor more than two hundred 2432  
dollars for a first offense; for a second offense such person 2433  
shall be fined not less than two hundred nor more than five 2434  
hundred dollars and imprisoned for not more than six months. 2435

(D) Whoever willfully violates section 1321.57, 1321.58, 2436  
division (A), (B), or (C), ~~or (D)~~ of section 1321.59, 1321.591, 2437  
or 1321.60 of the Revised Code is guilty of a minor misdemeanor 2438  
and shall be fined not less than one nor more than five hundred 2439  
dollars. 2440

~~(E) Whoever violates section 1321.52 or division (I), (J),~~ 2441  
~~(K), (L), or (M) of section 1321.59 of the Revised Code is~~ 2442  
~~guilty of a felony of the fifth degree.~~ 2443

~~(F)~~ Whoever violates division (A) of section 1321.73 of 2444  
the Revised Code shall be fined not more than five hundred 2445

dollars or imprisoned not more than six months, or both. 2446

~~(G)~~ (F) Whoever violates section 1321.41 of the Revised Code is guilty of a misdemeanor of the first degree. 2447  
2448

~~(H)~~ ~~Whoever violates division (N) of section 1321.59 of the Revised Code is guilty of a felony of the fourth degree.~~ 2449  
2450

~~(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 section of the Revised Code. 2451  
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2454

**Sec. 1322.01.** As used in ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter: 2455  
2456

(A) "Administrative or clerical tasks" mean the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, without performing any analysis of the information, and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan. 2457  
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(B) "Advertising" means a commercial message in any medium that promotes, either directly or indirectly, a residential mortgage lending transaction. 2464  
2465  
2466

(C) "Application" has the same meaning as in 12 C.F.R. 1026.2(a)(3). 2467  
2468

(D) "Approved education course" means any course approved by the nationwide mortgage licensing system and registry. 2469  
2470

(E) "Approved test provider" means any test provider approved by the nationwide mortgage licensing system and registry. 2471  
2472  
2473

(F) "Bona fide third party" means a person that provides services relative to the origination of a residential mortgage loan, including, but not limited to, real estate appraisers and credit reporting agencies. 2474  
2475  
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(G) "Borrower" means a person seeking a residential mortgage loan or an obligor on a residential mortgage loan. 2478  
2479

(H) "Branch office" means a location at which a licensee conducts business other than a registrant's principal place of business, if at least one of the following applies to the location: 2480  
2481  
2482  
2483

(1) The address of the location appears on business cards, stationery, or advertising used by the registrant; 2484  
2485

(2) The registrant's name or advertising at the location suggests that mortgage transactions are made at the location; 2486  
2487

(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 2488  
2489  
2490

(4) The location within this state is controlled directly or indirectly by the registrant. 2491  
2492

(I) "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. 2493  
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~~(B)~~ (J) "Commercial context" means that an individual who acts as a mortgage loan originator does so for the purpose of obtaining profit for an entity or individual for which the individual acts, including a sole proprietorship or other entity that includes only the individual, rather than exclusively for 2497  
2498  
2499  
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2501

public, charitable, or family purposes. 2502

(K) "Consumer reporting agency" has the same meaning as in 2503  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 2504  
1681a, as amended. 2505

~~(C)~~ (L) "Control" means the power, directly or indirectly, 2506  
to direct the management or policies of an entity, whether 2507  
through ownership of securities, by contract, or otherwise. A 2508  
person is presumed to control an entity if that person: 2509

(1) Is a director, general partner, or executive officer 2510  
or is an individual that occupies a similar position or performs 2511  
a similar function; 2512

(2) Directly or indirectly has the right to vote five per 2513  
cent or more of a class of a voting security or has the power to 2514  
sell or direct the sale of five per cent or more of a class of 2515  
voting securities; 2516

(3) In the case of a limited liability company, is a 2517  
managing member; or 2518

(4) In the case of a partnership, has the right to receive 2519  
upon dissolution or has contributed five per cent or more of the 2520  
capital. 2521

(M) "Depository institution" has the same meaning as in 2522  
section 3 of the "Federal Deposit Insurance Act," 12 U.S.C. 2523  
1813(c), and also includes any credit union. 2524

(N) "Dwelling" has the same meaning as in 15 U.S.C. 2525  
1602(w). "Dwelling" includes a single condominium unit, 2526  
cooperative unit, mobile home, and trailer, if it is used as a 2527  
residence, whether or not that structure is attached to real 2528  
property. 2529

(O) "Employee" means an individual for whom a mortgage broker or mortgage lender, in addition to providing a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. "Employee" also includes any individual who acts as a mortgage loan originator or operations manager of a registrant, but for whom the registrant is prevented by law from making income tax withholdings. 2530-2537

~~(D)~~ (P) "Entity" means a business organization, including a sole proprietorship. 2538-2539

(Q) "Escrow account" means a deposit account with a financial institution that provides deposit insurance, which account is separate and distinct from any personal, business, or other account of the mortgage lender or mortgage servicer and is maintained solely for the holding and payment of escrow funds. 2540-2544

(R) "Escrow funds" means funds entrusted to a mortgage lender or mortgage servicer by a borrower for payment of taxes, insurance, or other payments to be made in connection with the servicing of a loan. 2545-2548

(S) "Expungement" means a court-ordered process that involves the destruction of documentation related to past arrests and convictions. 2549-2551

(T) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the national credit union administration, or the federal deposit insurance corporation. 2552-2555

(U) "Housing finance agency" includes the Ohio housing finance agency created under section 175.02 of the Revised Code. 2556-2557

(V) "Immediate family" means an individual's spouse, 2558

child, stepchild, parent, stepparent, grandparent, grandchild, 2559  
brother, sister, parent-in-law, brother-in-law, or sister-in- 2560  
law. 2561

(W) "Independent contractor" means an individual who 2562  
performs duties for another person and is not subject to that 2563  
person's supervision or control. 2564

(X) "Individual" means a natural person. 2565

(Y) "Licensee" means any individual who has been issued a 2566  
mortgage loan originator license under ~~sections 1322.01 to~~ 2567  
~~1322.12 of the Revised Code~~ this chapter. 2568

~~(E)(1)~~ (Z) "Loan commitment" means a statement transmitted 2569  
in writing or electronically by a mortgage lender setting forth 2570  
the terms and conditions upon which the mortgage lender is 2571  
willing to make a particular residential mortgage loan to a 2572  
particular borrower. 2573

(AA) "Loan processor or underwriter" means an individual 2574  
who, with respect to the origination of a residential mortgage 2575  
loan, performs administrative or clerical tasks as an employee 2576  
at the direction of and subject to the supervision of a mortgage 2577  
lender or mortgage broker. For purposes of this division, 2578  
"origination of a residential mortgage loan" means all 2579  
activities related to a residential mortgage loan, from the 2580  
taking of a loan application through the completion of all 2581  
required loan closing documents and the funding of the loan. 2582

(BB) "Mortgage" means the consensual interest in real 2583  
property located in this state, including improvements to that 2584  
property, securing a debt evidence by a mortgage, trust 2585  
indenture, deed of trust, or other lien on real property. 2586

(CC) "Mortgage broker" means an entity that obtains, 2587



attempts to obtain, or assists in obtaining a mortgage loan for 2588  
a borrower from a mortgage lender in return for consideration or 2589  
in anticipation of consideration. For purposes of this division, 2590  
"attempting to obtain or assisting in obtaining" a mortgage loan 2591  
includes referring a borrower to a mortgage lender, soliciting 2592  
or offering to solicit a mortgage loan on behalf of a borrower, 2593  
or negotiating or offering to negotiate the terms or conditions 2594  
of a mortgage loan with a mortgage lender on behalf of a 2595  
borrower. 2596

(DD) "Mortgage lender" means an entity that consummates a 2597  
residential mortgage loan, advances funds, offers to advance 2598  
funds, or commits to advancing funds for a residential mortgage 2599  
loan applicant. 2600

(EE) (1) "~~Loan-Mortgage loan~~ originator" means an 2601  
individual who for compensation or gain, or in ~~anticipation~~the 2602  
expectation of compensation or gain, does any of the following: 2603

(a) Takes ~~or offers to take~~ a residential mortgage loan 2604  
application; 2605

(b) Assists or offers to assist a buyer in obtaining or 2606  
applying to obtain a residential mortgage loan by, among other 2607  
things, advising on loan terms, including rates, fees, and other 2608  
costs; 2609

(c) Offers or negotiates terms of a residential mortgage 2610  
loan; 2611

(d) Issues or offers to issue a commitment for a 2612  
residential mortgage loan to a buyer. 2613

(2) "~~Loan-Mortgage loan~~ originator" does not include any 2614  
of the following: 2615

- (a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator; 2616  
2617
- (b) A person licensed under 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; 2618  
2619  
2620  
2621  
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2623
- (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~~; 2624  
2625  
2626
- (d) An employee of a ~~registrant~~ mortgage lender or mortgage broker who acts solely as a loan processor or underwriter and 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 employee can or will perform any of the activities of a mortgage loan originator; 2627  
2628  
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- (e) ~~A mortgage loan originator licensed under sections 1321.51 to 1321.60 of the Revised Code, when acting solely under that authority;~~ 2634  
2635  
2636
- ~~(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 mortgage lender, a mortgage broker, or another mortgage loan originator, or by any agent thereof; 2637  
2638  
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2641  
2642
- ~~(g)~~ (f) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in 2643  
2644

connection with financing those retail sales, the person only 2645  
assists the borrower by providing or transmitting the loan 2646  
application and does not do any of the following: 2647

(i) Offer or negotiate the residential mortgage loan rates 2648  
or terms; 2649

(ii) Provide any counseling with borrowers about 2650  
residential mortgage loan rates or terms; 2651

(iii) Receive any payment or fee from any company or 2652  
individual for assisting the borrower obtain or apply for 2653  
financing to purchase the manufactured home, mobile home, or 2654  
industrialized unit; 2655

(iv) Assist the borrower in completing a residential 2656  
mortgage loan application. 2657

~~(h)~~ (g) An individual employed by a nonprofit organization 2658  
that is recognized as tax exempt under 26 U.S.C. 501(c) (3) and 2659  
whose primary activity is the construction, remodeling, or 2660  
rehabilitation of homes for use by low-income families, provided 2661  
that the nonprofit organization makes no-profit mortgage loans 2662  
or mortgage loans at zero per cent interest to low-income 2663  
families and no fees accrue directly to the nonprofit 2664  
organization or individual employed by the nonprofit 2665  
organization from those mortgage loans and that the United 2666  
States department of housing and urban development does not deny 2667  
this exemption. 2668

~~(F) "Mortgage" means any indebtedness secured by a deed of~~ 2669  
~~trust, security deed, or other lien on real property.~~ 2670

~~(G) (1) "Mortgage broker" means any of the following:~~ 2671

~~(a) A person that holds that person out as being able to~~ 2672

~~assist a buyer in obtaining a mortgage and charges or receives— 2673  
from either the buyer or lender money or other valuable— 2674  
consideration readily convertible into money for providing this— 2675  
assistance; 2676~~

~~(b) A person that solicits financial and mortgage— 2677  
information from the public, provides that information to a— 2678  
mortgage broker or a person that makes residential mortgage— 2679  
loans, and charges or receives from either of them money or— 2680  
other valuable consideration readily convertible into money for— 2681  
providing the information; 2682~~

~~(c) A person engaged in table-funding or warehouse-lending— 2683  
mortgage loans that are first lien residential mortgage loans. 2684~~

~~(2) "Mortgage broker" does not include any of the— 2685  
following persons only with respect to business engaged in or— 2686  
authorized by the person's charter, license, authority,— 2687  
approval, or certificate, or as otherwise authorized by division— 2688  
(G)(2)(h) of this section: 2689~~

~~(a) A person that makes residential mortgage loans and— 2690  
receives a scheduled payment on each of those mortgage loans; 2691~~

~~(b) Any entity chartered and lawfully doing business under— 2692  
the authority of any law of this state, another state, or the— 2693  
United States as a bank, savings bank, trust company, savings— 2694  
and loan association, or credit union, or a subsidiary of any— 2695  
such entity, which subsidiary is regulated by a federal banking— 2696  
agency and is owned and controlled by a depository institution; 2697~~

~~(c) A consumer reporting agency that is in substantial— 2698  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128,— 2699  
15 U.S.C.A. 1681a, as amended; 2700~~

~~(d) Any political subdivision, or any governmental or— 2701~~

~~other public entity, corporation, instrumentality, or agency, in- 2702~~  
~~or of the United States or any state; 2703~~

~~(c) A college or university, or controlled entity of a 2704~~  
~~college or university, as those terms are defined in section 2705~~  
~~1713.05 of the Revised Code; 2706~~

~~(f) Any entity created solely for the purpose of 2707~~  
~~securitizing loans secured by an interest in real estate, 2708~~  
~~provided the entity does not service the loans. For purposes of 2709~~  
~~division (G) (2) (f) of this section, "securitizing" means the 2710~~  
~~packaging and sale of mortgage loans as a unit for sale as 2711~~  
~~investment securities, but only to the extent of those 2712~~  
~~activities. 2713~~

~~(g) Any person engaged in the retail sale of manufactured 2714~~  
~~homes, mobile homes, or industrialized units if, in connection 2715~~  
~~with obtaining financing by others for those retail sales, the 2716~~  
~~person only assists the borrower by providing or transmitting 2717~~  
~~the loan application and does not do any of the following: 2718~~

~~(i) Offer or negotiate the residential mortgage loan rates 2719~~  
~~or terms; 2720~~

~~(ii) Provide any counseling with borrowers about 2721~~  
~~residential mortgage loan rates or terms; 2722~~

~~(iii) Receive any payment or fee from any company or 2723~~  
~~individual for assisting the borrower obtain or apply for 2724~~  
~~financing to purchase the manufactured home, mobile home, or 2725~~  
~~industrialized unit; 2726~~

~~(iv) Assist the borrower in completing the residential 2727~~  
~~mortgage loan application. 2728~~

~~(h) A mortgage banker, provided it complies with section 2729~~

~~1322.022 of the Revised Code and holds a valid letter of~~ 2730  
~~exemption issued by the superintendent. For purposes of this~~ 2731  
~~section, "mortgage banker" means any person that makes,~~ 2732  
~~services, buys, or sells residential mortgage loans secured by a~~ 2733  
~~first lien, that underwrites the loans, and that meets at least~~ 2734  
~~one of the following criteria:~~ 2735

~~(i) The person has been directly approved by the United~~ 2736  
~~States department of housing and urban development as a~~ 2737  
~~nonsupervised mortgagee with participation in the direct~~ 2738  
~~endorsement program. Division (G) (2) (h) (i) of this section~~ 2739  
~~includes a person that has been directly approved by the United~~ 2740  
~~States department of housing and urban development as a~~ 2741  
~~nonsupervised mortgagee with participation in the direct~~ 2742  
~~endorsement program and that makes loans in excess of the~~ 2743  
~~applicable loan limit set by the federal national mortgage~~ 2744  
~~association, provided that the loans in all respects, except~~ 2745  
~~loan amounts, comply with the underwriting and documentation~~ 2746  
~~requirements of the United States department of housing and~~ 2747  
~~urban development. Division (G) (2) (h) (i) of this section does~~ 2748  
~~not include a mortgagee approved as a loan correspondent.~~ 2749

~~(ii) The person has been directly approved by the federal~~ 2750  
~~national mortgage association as a seller/servicer. Division (G)~~ 2751  
~~(2) (h) (ii) of this section includes a person that has been~~ 2752  
~~directly approved by the federal national mortgage association~~ 2753  
~~as a seller/servicer and that makes loans in excess of the~~ 2754  
~~applicable loan limit set by the federal national mortgage~~ 2755  
~~association, provided that the loans in all respects, except~~ 2756  
~~loan amounts, comply with the underwriting and documentation~~ 2757  
~~requirements of the federal national mortgage association.~~ 2758

~~(iii) The person has been directly approved by the federal~~ 2759

~~home loan mortgage corporation as a seller/servicer. Division~~ 2760  
~~(G) (2) (h) (iii) of this section includes a person that has been~~ 2761  
~~directly approved by the federal home loan mortgage corporation~~ 2762  
~~as a seller/servicer and that makes loans in excess of the~~ 2763  
~~applicable loan limit set by the federal home loan mortgage~~ 2764  
~~corporation, provided that the loans in all respects, except~~ 2765  
~~loan amounts, comply with the underwriting and documentation~~ 2766  
~~requirements of the federal home loan mortgage corporation.~~ 2767

~~(iv) The person has been directly approved by the United~~ 2768  
~~States department of veterans affairs as a nonsupervised~~ 2769  
~~automatic lender. Division (G) (2) (h) (iv) of this section does~~ 2770  
~~not include a person directly approved by the United States~~ 2771  
~~department of veterans affairs as a nonsupervised lender, an~~ 2772  
~~agent of a nonsupervised automatic lender, or an agent of a~~ 2773  
~~nonsupervised lender.~~ 2774

~~(i) A nonprofit organization that is recognized as tax~~ 2775  
~~exempt under 26 U.S.C. 501(c) (3) and whose primary activity is~~ 2776  
~~the construction, remodeling, or rehabilitation of homes for use~~ 2777  
~~by low income families, provided that the nonprofit organization~~ 2778  
~~makes no profit mortgage loans or mortgage loans at zero per~~ 2779  
~~cent interest to low income families and no fees accrue directly~~ 2780  
~~to the nonprofit organization from those mortgage loans and that~~ 2781  
~~the United States department of housing and urban development~~ 2782  
~~does not deny this exemption.~~ 2783

~~(j) A credit union service organization, provided that the~~ 2784  
~~organization utilizes services provided by registered loan~~ 2785  
~~originators or that it holds a valid letter of exemption issued~~ 2786  
~~by the superintendent under section 1322.023 of the Revised Code~~ 2787  
~~and complies with that section.~~ 2788

~~(H) "Operations manager" means the employee or owner~~ 2789

~~responsible for the everyday operations, compliance~~ 2790  
~~requirements, and management of a mortgage broker business.~~ 2791

~~(I) "Registered loan originator" means an individual to~~ 2792  
~~whom both of the following apply:~~ 2793

~~(1) The individual is a loan originator and an employee of~~ 2794  
~~a depository institution, a subsidiary that is owned and~~ 2795  
~~controlled by a depository institution and regulated by a~~ 2796  
~~federal banking agency, or an institution regulated by the farm~~ 2797  
~~credit administration.~~ 2798

~~(2) The individual is registered with, and maintains a~~ 2799  
~~unique identifier through, the nationwide mortgage licensing~~ 2800  
~~system and registry.~~ 2801

~~(J) "Registrant" means any person that has been issued a~~ 2802  
~~mortgage broker certificate of registration under sections~~ 2803  
~~1322.01 to 1322.12 of the Revised Code.~~ 2804

~~(K) "Superintendent of financial institutions" includes~~ 2805  
~~the deputy superintendent for consumer finance as provided in~~ 2806  
~~section 1181.21 of the Revised Code.~~ 2807

~~(L) "Table funding mortgage loan" means a residential~~ 2808  
~~mortgage loan transaction in which the residential mortgage loan~~ 2809  
~~is initially payable to the mortgage broker, the mortgage broker~~ 2810  
~~does not use the mortgage broker's own funds to fund the~~ 2811  
~~transaction, and, by the terms of the mortgage or other~~ 2812  
~~agreement, the mortgage is simultaneously assigned to another~~ 2813  
~~person.~~ 2814

~~(M) "Warehouse lending mortgage loan" means a residential~~ 2815  
~~mortgage loan transaction in which the residential mortgage loan~~ 2816  
~~is initially payable to the mortgage broker, the mortgage broker~~ 2817  
~~uses the mortgage broker's own funds to fund the transaction,~~ 2818



~~and the mortgage is sold or assigned before the mortgage broker receives a scheduled payment on the residential mortgage loan.~~ 2819  
2820

~~(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.~~ 2821  
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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.~~ 2827  
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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.~~ 2833  
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2835

~~(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.~~ 2836  
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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.~~ 2841  
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~~(S) "Individual" means a natural person.~~ 2845

~~(T) "Loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and~~ 2846  
2847

~~subject to the supervision and instruction of a licensed loan- 2848~~  
~~originator or registered loan originator. For purposes of this 2849~~  
~~division, to "perform clerical or support duties" means to do 2850~~  
~~all of the following activities: 2851~~

~~(1) Receiving, collecting, distributing, and analyzing 2852~~  
~~information common for the processing or underwriting of a 2853~~  
~~residential mortgage loan. 2854~~

~~(2) Communicating with a buyer to obtain the information 2855~~  
~~necessary for the processing or underwriting of a loan, to the 2856~~  
~~extent the communication does not include offering or 2857~~  
~~negotiating loan rates or terms or counseling buyers about 2858~~  
~~residential mortgage loan rates or terms. 2859~~

~~(U) (FF) "Nationwide mortgage licensing system and 2860~~  
~~registry" means a mortgage licensing system developed and 2861~~  
~~maintained by the conference of state bank supervisors and the 2862~~  
~~American association of residential mortgage regulators, or 2863~~  
~~their successor entities, for the licensing and registration of 2864~~  
~~loan originators, or any system established by the secretary of 2865~~  
~~housing and urban development pursuant to the "Secure and Fair- 2866~~  
~~Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 2867~~  
~~12 U.S.C. 5101 persons providing non-depository financial 2868~~  
~~services. 2869~~

~~(V) (GG) "Nontraditional mortgage product" means any 2870~~  
~~mortgage product other than a thirty-year fixed rate mortgage. 2871~~

~~(W) (HH) "Person" means an individual, sole 2872~~  
~~proprietorship, corporation, company, limited liability company, 2873~~  
~~partnership, limited liability partnership, trust, or 2874~~  
~~association. 2875~~

~~(II) "Real estate brokerage activity" means any activity 2876~~

that involves offering or providing real estate brokerage services to the public, including all of the following:

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

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

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

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

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

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

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

(2) The individual is registered with, and maintains a unique identifier through, the nationwide mortgage licensing

system and registry. 2905

(KK) "Registrant" means any person that has been issued a 2906  
certificate of registration under this chapter. 2907

(LL) "Residential mortgage loan" means any loan that meets 2908  
both of the following requirements: 2909

(1) It is primarily for personal, family, or household use 2910  
that and is secured by a mortgage, deed of trust, or other 2911  
equivalent consensual security interest on a dwelling or on 2912  
residential real estate upon which is constructed or intended to 2913  
be constructed a dwelling. For purposes of this division, 2914  
"dwelling" has the same meaning as in section 103 of the "Truth- 2915  
in Lending Act," 82 Stat. 146, 15 U.S.C 1602 located in Ohio. 2916

(2) It is provided and secured by a first lien holder 2917  
secured creditor or by a second lien holder secured creditor. 2918

~~(Y) "State," in the context of referring to states in~~ 2919  
~~addition to Ohio, means any state of the United States, the~~ 2920  
~~district of Columbia, any territory of the United States, Puerto~~ 2921  
~~Rico, Guam, American Samoa, the trust territory of the Pacific~~ 2922  
~~islands, the virgin islands, and the northern Mariana islands.~~ 2923

~~(Z)-(MM) "Residential real estate" means any real property~~ 2924  
~~located in this state upon which is constructed a dwelling or~~ 2925  
~~upon which a dwelling is intended to be built within a two-year~~ 2926  
~~period, subject to 24 C.F.R. 3500.5(b) (4). For purposes of this~~ 2927  
~~division, a borrower's intent to build a dwelling within a two-~~ 2928  
~~year period is presumed unless the borrower has submitted a~~ 2929  
~~written, signed statement to the contrary.~~ 2930

(NN) "Superintendent of financial institutions" includes 2931  
the deputy superintendent for consumer finance as provided in 2932  
section 1181.21 of the Revised Code. 2933

(OO) "Ultimate equity owner" means an individual who, 2934  
directly or indirectly, owns or controls an ownership interest 2935  
in a corporation, a foreign corporation, an alien business 2936  
organization, or any other form of business organization, 2937  
regardless of whether the individual owns or controls an 2938  
ownership interest, individually or in any combination, through 2939  
one or more persons or one or more proxies, powers of attorney, 2940  
nominees, corporations, associations, partnerships, trusts, 2941  
joint-stock companies, or other entities or devices. 2942

(PP) "Unique identifier" means a number or other 2943  
identifier that permanently identifies a loan originator and is 2944  
assigned by protocols established by the nationwide mortgage 2945  
licensing system and registry or federal banking agencies to 2946  
facilitate electronic tracking of loan originators and uniform 2947  
identification of, and public access to, the employment history 2948  
of and the publicly adjudicated disciplinary and enforcement 2949  
actions against loan originators. 2950

**Sec. ~~1322.024~~ 1322.02.** The superintendent of financial 2951  
institutions may, by rule, ~~expand~~ amend the definition of 2952  
mortgage loan originator ~~or,~~ mortgage broker, or mortgage 2953  
lender in section 1322.01 of the Revised Code ~~by adding~~ 2954  
~~individuals, persons, or entities, or may exempt additional~~ 2955  
~~individuals, persons, or entities from those definitions, or the~~ 2956  
criteria for an entity to obtain a letter of exemption under 2957  
division (B) (1) of section 1322.05 of the Revised Code, if the 2958  
superintendent finds that the ~~addition or exemption~~ change is 2959  
necessary to remain consistent with the purposes ~~fairly~~ intended 2960  
by the policy and provisions of ~~sections 1322.01 to 1322.12 of~~ 2961  
~~the Revised Code and the "Secure and Fair Enforcement for~~ 2962  
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 2963

Rules authorized by this section shall be adopted in 2964  
accordance with Chapter 119. of the Revised Code. 2965

Sec. 1322.04. This chapter does not apply to any of the 2966  
following: 2967

(A) Any entity chartered and lawfully doing business under 2968  
the authority of any law of this state, another state, or the 2969  
United States as a bank, savings bank, trust company, savings 2970  
and loan association, or credit union, or a subsidiary of any 2971  
such entity, which subsidiary is regulated by a federal banking 2972  
agency and is owned and controlled by a depository institution; 2973

(B) A consumer reporting agency that is in substantial 2974  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 2975  
15 U.S.C. 1681a, as amended; 2976

(C) Any political subdivision, or any governmental or 2977  
other public entity, corporation, instrumentality, or agency, in 2978  
or of the United States or any state; 2979

(D) A college or university, or controlled entity of a 2980  
college or university, as those terms are defined in section 2981  
1713.05 of the Revised Code; 2982

(E) Any entity created solely for the purpose of 2983  
securitizing loans secured by an interest in real estate, 2984  
provide the entity does not service the loans. As used in this 2985  
division, "securitizing" means the packaging and sale of 2986  
mortgage loans as a unit for sale as investment securities, but 2987  
only to the extent of those activities. 2988

(F) Any person engaged in the retail sale of manufactured 2989  
homes, mobile homes, or industrialized units if, in connection 2990  
with obtaining financing by others for those retail sales, the 2991  
person only assists the borrower by providing or transmitting 2992

<u>the loan application and does not do any of the following:</u>	2993
<u>(1) Offer or negotiate the residential mortgage loan rates</u>	2994
<u>or terms;</u>	2995
<u>(2) Provide any counseling with borrowers about</u>	2996
<u>residential mortgage loan rates or terms;</u>	2997
<u>(3) Receive any payment or fee from any company or</u>	2998
<u>individual for assisting the borrower to obtain or apply for</u>	2999
<u>financing to purchase the manufactured home, mobile home, or</u>	3000
<u>industrialized unit;</u>	3001
<u>(4) Assist the borrower in completing the residential</u>	3002
<u>mortgage loan application.</u>	3003
<u>(G) A bona fide nonprofit organization that is recognized</u>	3004
<u>as tax exempt under 26 U.S.C. 501(c) (3) and whose primary</u>	3005
<u>activity is the construction, remodeling, or rehabilitation of</u>	3006
<u>homes for use by low-income families, provided that the</u>	3007
<u>organization makes no-profit mortgage loans or mortgage loans at</u>	3008
<u>zero per cent interest to low-income families and no fees accrue</u>	3009
<u>directly to the organization from those mortgage loans and that</u>	3010
<u>the United States department of housing and urban development</u>	3011
<u>does not deny this exemption;</u>	3012
<u>(H) A credit union service organization, provided that the</u>	3013
<u>organization utilizes services provided by registered mortgage</u>	3014
<u>loan originators or that it holds a valid letter of exemption</u>	3015
<u>issued by the superintendent of financial institutions under</u>	3016
<u>division (B) (1) of section 1322.05 of the Revised Code.</u>	3017
<u>(I) A depository institution not otherwise required to be</u>	3018
<u>licensed under this chapter that voluntarily makes a filing on</u>	3019
<u>the nationwide mortgage licensing system and registry as an</u>	3020
<u>exempt entity for the purpose of licensing loan originators</u>	3021

exclusively associated with the institution and that holds a 3022  
valid letter of exemption issued by the superintendent pursuant 3023  
to division (B) (1) of section 1322.05 of the Revised Code. 3024

**Sec. ~~1322.023~~ 1322.05.** (A) A credit union service 3025  
organization or depository institution seeking exemption from 3026  
registration pursuant to division ~~(G) (2) (j)~~ (H) or (I) of 3027  
section ~~1322.01-1322.04~~ of the Revised Code or rules adopted by 3028  
the superintendent in accordance with section 1322.02 of the 3029  
Revised Code shall submit an application to the superintendent 3030  
of financial institutions along with a nonrefundable fee of 3031  
three hundred fifty dollars for each location of an office to be 3032  
maintained by the organization or institution seeking exemption. 3033  
The application shall be in a form prescribed by the 3034  
superintendent and shall include all of the following: 3035

(1) The organization's or institution's business name and 3036  
state of incorporation or business registration; 3037

(2) The names of the owners, officers, or partners having 3038  
control of the organization or institution; 3039

(3) An attestation to all of the following: 3040

(a) That the organization or institution and its owners, 3041  
officers, or partners identified in division (A) (2) of this 3042  
section have not had a credit union service organization 3043  
registration or license, mortgage banker license, mortgage 3044  
broker certificate of registration, or mortgage loan originator 3045  
license, or any comparable authority, revoked in any 3046  
governmental jurisdiction; 3047

(b) That the organization or institution and its owners, 3048  
officers, or partners identified in division (A) (2) of this 3049  
section have not been convicted of, or pleaded guilty or nolo 3050



contendere to, any of the following in a domestic, foreign, or 3051  
military court: 3052

(i) During the seven-year period immediately preceding the 3053  
date of application for exemption, a misdemeanor involving theft 3054  
or any felony; 3055

(ii) At any time prior to the date the application for 3056  
exemption is approved, a felony involving an act of fraud, 3057  
dishonesty, a breach of trust, theft, or money laundering. 3058

(c) That, with respect to financing residential mortgage 3059  
loans, the organization or institution conducts business with 3060  
residents of this state or secures its loans with property 3061  
located in this state. 3062

(4) The names of all mortgage loan originators or 3063  
licensees under the organization's or institution's control and 3064  
direction; 3065

(5) An acknowledgment of understanding that the 3066  
organization or institution is subject to the regulatory 3067  
authority of the division of financial institutions as described 3068  
in this section; 3069

(6) Any further reasonable information that the 3070  
superintendent may require. 3071

(B) (1) If the superintendent determines that the credit 3072  
union service organization ~~honestly made the attestation~~ 3073  
~~required under division (A) (3) of this section and otherwise~~ or 3074  
depository institution qualifies for exemption, the 3075  
superintendent shall issue a letter of exemption. Additional 3076  
certified copies of a letter of exemption shall be provided upon 3077  
request and the payment of seventy-five dollars per copy. 3078

(2) If the superintendent determines that the organization or institution does not qualify for exemption, the superintendent shall issue a notice of denial, and the organization or institution may request a hearing in accordance with Chapter 119. of the Revised Code.

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

(1) The organization or institution shall be subject to examination in the same manner as a registrant with respect to the conduct of the organization's or institution's mortgage loan originators. In conducting any out-of-state examination, the organization or institution shall be responsible for paying the costs of the division in the same manner as a registrant.

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

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

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

(D) A letter of exemption expires annually on the thirty-first day of December and may be renewed on or before that date by submitting an application that meets the requirements of

division (A) of this section and a nonrefundable renewal fee of 3108  
three hundred fifty dollars for each location of an office to be 3109  
maintained by the credit union service organization or 3110  
depository institution. 3111

(E) The superintendent may issue a notice to revoke or 3112  
suspend a letter of exemption if the superintendent finds that 3113  
the letter was obtained through a false or fraudulent 3114  
representation of a material fact, or the omission of a material 3115  
fact, required by law, or that a condition for exemption is no 3116  
longer being met. Prior to issuing an order of revocation or 3117  
suspension, the credit union service organization or depository 3118  
institution shall be given an opportunity for a hearing in 3119  
accordance with Chapter 119. of the Revised Code. 3120

(F) All information obtained by the division pursuant to 3121  
an examination or investigation under this section shall be 3122  
subject to the confidentiality requirements set forth in section 3123  
~~1322.061~~ 1322.36 of the Revised Code. 3124

(G) All money collected under this section shall be 3125  
deposited into the state treasury to the credit of the consumer 3126  
finance fund created in section 1321.21 of the Revised Code. 3127

**Sec. ~~1322.02~~ 1322.07.** (A) ~~(1)~~ No person, on the person's 3128  
own behalf or on behalf of any other person, shall act as a 3129  
mortgage lender or mortgage broker without first having obtained 3130  
a certificate of registration from the superintendent of 3131  
financial institutions for ~~every~~ the principal office and every 3132  
branch office to be maintained by the person for the transaction 3133  
of business as a mortgage lender or mortgage broker in this 3134  
state. A registrant shall maintain an office location ~~in this~~ 3135  
~~state~~ for the transaction of business as a mortgage lender or 3136  
mortgage broker in this state. 3137

~~(2) No person shall act or hold that person's self out as a mortgage broker under the authority or name of a registrant or person exempt from sections 1322.01 to 1322.12 of the Revised Code without first having obtained a certificate of registration from the superintendent for every office to be maintained by the person for the transaction of business as a mortgage broker in this state.~~ 3138  
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(B) (1) No individual shall act as a mortgage loan 3145  
originator without first having obtained a license from the 3146  
superintendent. A mortgage loan originator shall be employed by 3147  
or associated with a mortgage lender, mortgage broker or any 3148  
~~person or entity listed in division (C) (2) of section 1322.01 of~~ 3149  
~~the Revised Code, or entity holding a valid letter of exemption~~ 3150  
under division (B) (1) of section 1322.05 of the Revised Code, 3151  
but shall not be employed by or associated with more than one 3152  
~~mortgage broker or person or entity registrant or entity holding~~ 3153  
a valid letter of exemption under division (B) (1) of section 3154  
1322.05 of the Revised Code at any one time. 3155

(2) An individual acting under the individual's authority 3156  
as a registered mortgage loan originator shall not be required 3157  
to be licensed under division (B) (1) of this section. 3158

(3) An individual who holds a valid temporary mortgage 3159  
loan originator license issued pursuant to section ~~1322.042-~~ 3160  
1322.24 of the Revised Code may engage in the business of a 3161  
mortgage loan originator in accordance with ~~sections 1322.01 to~~ 3162  
~~1322.12 of the Revised Code~~ this chapter during the term of the 3163  
temporary license. 3164

~~(C) (1) No person acting as a mortgage broker or loan~~ 3165  
~~originator shall fail to register with, and maintain a valid~~ 3166  
~~unique identifier issued by, the nationwide mortgage licensing~~ 3167

~~system and registry.~~ 3168

~~(2) No person shall use a mortgage broker's or loan originator'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.~~ 3169  
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**Sec. ~~1322.03~~ 1322.09.** (A) An application for a certificate of registration ~~as a mortgage broker~~ shall be in writing, under oath, and in ~~the~~ a form prescribed by the superintendent of financial institutions that complies with the requirements of the nationwide mortgage licensing system and registry. The application shall be accompanied by a nonrefundable application fee of five hundred dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section ~~1322.02-1322.07~~ of the Revised Code and any additional fee required by the nationwide mortgage licensing system and registry. ~~The application shall provide all of the following:-~~ 3173  
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~~(1) The location or locations where the business is to be transacted and whether any location is a residence. If any location where the business is to be transacted is a residence, the superintendent may require that the application be accompanied by a copy of a zoning permit authorizing the use of the residence for commercial purposes, or by a written opinion or other document issued by the county or political subdivision where the residence is located certifying that the use of the residence to transact business as a mortgage broker is not prohibited by the county or political subdivision.~~ 3184  
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~~(2) (a) In the case of a sole proprietor, the name and address of the sole proprietor;~~ 3194  
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~~(b) In the case of a partnership, the name and address of-~~ 3196

~~each partner;~~ 3197

~~(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;~~ 3198  
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~~(d) In the case of any other entity, the name and address of any person that owns five per cent or more of the entity that will transact business as a mortgage broker.~~ 3201  
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~~(3) Each applicant shall designate an employee or owner of the applicant as the applicant's operations manager. While acting as the operations manager, the employee or owner shall be licensed as a loan originator under sections 1322.01 to 1322.12 of the Revised Code and shall not be employed by any other mortgage broker.~~ 3204  
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~~(4) Evidence that the person designated on the application pursuant to division (A) (3) of this section possesses at least three years of experience in the residential mortgage and lending field, which experience may include employment with or as a mortgage broker or with a depository institution, mortgage lending institution, or other lending institution, or possesses at least three years of other experience related specifically to the business of residential mortgage loans that the superintendent determines meets the requirements of division (A) (4) of this section;~~ 3210  
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~~(5) Evidence that the person designated on the application pursuant to division (A) (3) of this section has successfully completed the pre licensing instruction requirements set forth in section 1322.031 of the Revised Code;~~ 3220  
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~~(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with~~ 3224  
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~~sections 1322.01 to 1322.12 of the Revised Code;~~ 3226

~~(7) In the case of a foreign business entity, evidence~~ 3227  
~~that it maintains a license or registration pursuant to Chapter~~ 3228  
~~1703., 1705., 1775., 1776., 1777., 1782., or 1783. of the~~ 3229  
~~Revised Code to transact business in this state;~~ 3230

~~(8) Evidence that the applicant's operations manager has~~ 3231  
~~successfully completed the written test required by section~~ 3232  
~~1322.051 of the Revised Code;~~ 3233

~~(9) Any further information that the superintendent~~ 3234  
~~requires.~~ 3235

(B) Upon the filing of the application and payment of the 3236  
nonrefundable application fee and any fee required by the 3237  
nationwide mortgage licensing system and registry, the 3238  
superintendent ~~of financial institutions~~ shall investigate the 3239  
applicant, and any individual whose identity is required to be 3240  
disclosed in the application, ~~as set forth in division (B) of~~ 3241  
~~this section.~~ 3242

~~(1) (a) Notwithstanding division (K) of section 121.08 of~~ 3243  
~~the Revised Code, the superintendent shall obtain a criminal~~ 3244  
~~history records check and, as part of that records check,~~ 3245  
~~request that criminal record information from the federal bureau~~ 3246  
~~of investigation be obtained. To fulfill this requirement, the~~ 3247  
~~superintendent shall do either of the following:~~ 3248

~~(i) Request the superintendent of the bureau of criminal~~ 3249  
~~identification and investigation, or a vendor approved by the~~ 3250  
~~bureau, to conduct a criminal records check based on the~~ 3251  
~~applicant's fingerprints or, if the fingerprints are unreadable,~~ 3252  
~~based on the applicant's social security number, in accordance~~ 3253  
~~with section 109.572 of the Revised Code;~~ 3254

~~(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check.~~ 3255  
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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.~~ 3257  
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~~(2) The~~. As part of that investigation, the 3260  
superintendent shall conduct a civil records check. 3261

~~(3)~~ If, in order to issue a certificate of registration to 3262  
an applicant, additional investigation by the superintendent 3263  
outside this state is necessary, the superintendent may require 3264  
the applicant to advance sufficient funds to pay the actual 3265  
expenses of the investigation, if it appears that these expenses 3266  
will exceed five hundred dollars. The superintendent shall 3267  
provide the applicant with an itemized statement of the actual 3268  
expenses that the applicant is required to pay. 3269

(C) In connection with applying for a certificate of 3270  
registration, the applicant shall furnish to the nationwide 3271  
mortgage licensing system and registry information concerning 3272  
the applicant's identity, including all of the following: 3273

(1) The applicant's fingerprints for submission to the 3274  
federal bureau of investigation, and any other governmental 3275  
agency or entity authorized to receive such information, for 3276  
purposes of a state, national, and international criminal 3277  
history background check; 3278

(2) Personal history and experience in a form prescribed 3279  
by the nationwide mortgage licensing system and registry, along 3280  
with authorization for the superintendent and the nationwide 3281  
mortgage licensing system and registry to obtain both of the 3282  
following: 3283



<u>(a) An independent credit report from a consumer reporting agency;</u>	3284
	3285
<u>(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.</u>	3286
	3287
<u>(D)</u> The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section <del>1322.04</del> <u>1322.10</u> of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.	3288
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<del>(D)</del> <u>(E)</u> If an application for a <del>mortgage broker</del> certificate of registration does not contain all of the information required under <del>division (A)</del> 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.	3294
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<del>(E)</del> <u>(F)</u> A <del>mortgage broker</del> 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.	3303
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<del>(F)</del> 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.	3307
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<u>(G) (1)</u> The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing	3311
	3312

system and registry, or any entities designated by it, to 3313  
collect and maintain records and process transaction fees or 3314  
other fees related to mortgage lender or mortgage broker 3315  
certificates of registration or the persons associated with a 3316  
mortgage lender or mortgage broker. 3317

(2) For purposes of this section and to reduce the points 3318  
of contact that the federal bureau of investigation may have to 3319  
maintain, the division of financial institutions may use the 3320  
nationwide mortgage licensing system and registry as a 3321  
channeling agent for requesting information from and 3322  
distributing information to the United States department of 3323  
justice or other governmental agencies. 3324

(3) For purposes of this section and to reduce the points 3325  
of contact that the division may have to maintain, the division 3326  
may use the nationwide mortgage licensing system and registry as 3327  
a channeling agent for requesting information from and 3328  
distributing information to any source as determined by the 3329  
division. 3330

**Sec. ~~1322.04~~ 1322.10.** (A) Upon the conclusion of the 3331  
investigation required under division (B) of section ~~1322.03~~ 3332  
1322.09 of the Revised Code, the superintendent of financial 3333  
institutions shall issue a certificate of registration to the 3334  
applicant if the superintendent finds that the following 3335  
conditions are met: 3336

(1) The application is accompanied by the application fee 3337  
and any fee required by the nationwide mortgage licensing system 3338  
and registry. 3339

(a) If a check or other draft instrument is returned to 3340  
the superintendent for insufficient funds, the superintendent 3341

shall notify the applicant by certified mail, return receipt 3342  
requested, that the application will be withdrawn unless the 3343  
applicant, within thirty days after receipt of the notice, 3344  
submits the application fee and a one-hundred-dollar penalty to 3345  
the superintendent. If the applicant does not submit the 3346  
application fee and penalty within that time period, or if any 3347  
check or other draft instrument used to pay the fee or penalty 3348  
is returned to the superintendent for insufficient funds, the 3349  
application shall be withdrawn. 3350

(b) If a check or other draft instrument is returned to 3351  
the superintendent for insufficient funds after the certificate 3352  
of registration has been issued, the superintendent shall notify 3353  
the registrant by certified mail, return receipt requested, that 3354  
the certificate of registration issued in reliance on the check 3355  
or other draft instrument will be canceled unless the 3356  
registrant, within thirty days after receipt of the notice, 3357  
submits the application fee and a one-hundred-dollar penalty to 3358  
the superintendent. If the registrant does not submit the 3359  
application fee and penalty within that time period, or if any 3360  
check or other draft instrument used to pay the fee or penalty 3361  
is returned to the superintendent for insufficient funds, the 3362  
certificate of registration shall be canceled immediately 3363  
without a hearing, and the registrant shall cease activity as a 3364  
mortgage broker. 3365

(2) If the application is for a location that is a 3366  
residence, evidence that the use of the residence to transact 3367  
business as a mortgage lender or mortgage broker is not 3368  
prohibited. 3369

~~(3) The person designated on the application pursuant to 3370  
division (A) (3) of section 1322.03 of the Revised Code meets the 3371~~

~~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.~~ 3372  
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~~(4)~~ (4) The applicant maintains all necessary filings and approvals required by the secretary of state. 3375  
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~~(5)~~ (4) The applicant complies with the surety bond requirements of section ~~1322.05~~ 1322.32 of the Revised Code. 3377  
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~~(6)~~ (5) ~~The applicant complies with sections 1322.01 to 1322.12 of the Revised Code and the rules adopted thereunder~~ has not made a material misstatement of fact or material omission of fact in the application. 3379  
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~~(7)~~ (6) Neither the applicant nor any person whose identity is required to be disclosed on an application for a ~~mortgage broker~~ certificate of registration has had such a mortgage broker certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty or nolo contendere to or been convicted of any of the following in a domestic, foreign, or military court: 3383  
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(a) During the seven-year period immediately preceding the date of application for the certificate of registration, a misdemeanor involving theft or any felony; 3391  
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(b) At any time prior to the date the application for the certificate of registration is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering. 3394  
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~~(8) 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~~ 3398  
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3400

~~evidence, that the applicant is of good business repute, appears qualified to act as a mortgage broker, 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 mortgage broker certificate of registration.~~ 3401-3405

~~(9)~~ (7) The applicant's operations manager successfully completed the examination required by section ~~1322.051~~ 1322.27 of the Revised Code. 3406-3408

~~(10)~~ (8) The applicant's financial responsibility, experience, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and, fairly, and efficiently in compliance with the purposes of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter and the rules adopted thereunder. The superintendent shall not use a credit score or a bankruptcy as the sole basis for registration denial. 3409-3416

(B) For purposes of determining whether an applicant that is a partnership, corporation, or other business entity or association has met the conditions set forth in divisions ~~(A) (7), (A) (6) and (8), and (A) (10)~~ of this section, the superintendent shall determine which partners, shareholders, or persons named in the application ~~pursuant to division (A) (2) of section 1322.03 of the Revised Code~~ must meet the those conditions ~~set forth in divisions (A) (7), (A) (8), and (A) (10) of this section.~~ This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant and on whether the person is in a position to direct, control, or adversely influence the operations of the applicant. 3417-3430

(C) The certificate of registration issued pursuant to 3431  
division (A) of this section may be renewed annually on or 3432  
before the thirty-first day of December if the superintendent 3433  
finds that all of the following conditions are met: 3434

(1) The renewal application is accompanied by a 3435  
nonrefundable renewal fee of five hundred dollars for each 3436  
location of an office to be maintained by the applicant in 3437  
accordance with division (A) of section ~~1322.02~~1322.07 of the 3438  
Revised Code and any fee required by the nationwide mortgage 3439  
licensing system and registry. If a check or other draft 3440  
instrument is returned to the superintendent for insufficient 3441  
funds, the superintendent shall notify the registrant by 3442  
certified mail, return receipt requested, that the certificate 3443  
of registration renewed in reliance on the check or other draft 3444  
instrument will be canceled unless the registrant, within thirty 3445  
days after receipt of the notice, submits the renewal fee and a 3446  
one-hundred-dollar penalty to the superintendent. If the 3447  
registrant does not submit the renewal fee and penalty within 3448  
that time period, or if any check or other draft instrument used 3449  
to pay the fee or penalty is returned to the superintendent for 3450  
insufficient funds, the certificate of registration shall be 3451  
canceled immediately without a hearing and the registrant shall 3452  
cease activity as a mortgage broker. 3453

(2) The operations manager designated under ~~division (A)~~ 3454  
~~(3)~~ of section ~~1322.03~~1322.12 of the Revised Code has 3455  
completed, at least eight hours of continuing education as 3456  
required under section ~~1322.052~~1322.28 of the Revised Code. 3457

(3) The applicant meets the conditions set forth in 3458  
divisions (A) (2) to ~~(10)~~(8) of this section. 3459

(4) The applicant's ~~mortgage broker~~ certificate of 3460

registration is not subject to an order of suspension or an 3461  
unpaid and past due fine imposed by the superintendent. 3462

(D) (1) Subject to division (D) (2) of this section, if a 3463  
renewal fee or additional fee required by the nationwide 3464  
mortgage licensing system and registry is received by the 3465  
superintendent after the thirty-first day of December, the 3466  
~~mortgage broker~~ certificate of registration shall not be 3467  
considered renewed, and the applicant shall cease activity as a 3468  
mortgage lender or mortgage broker. 3469

(2) Division (D) (1) of this section shall not apply if the 3470  
applicant, ~~no~~ not later than ~~the thirty-first day of January-~~ 3471  
forty-five days after the renewal deadline, submits the renewal 3472  
fee or additional fee and a one-hundred-dollar penalty to the 3473  
superintendent. 3474

~~(E) If the person designated as the operations manager-~~ 3475  
~~pursuant to division (A) (3) of section 1322.03 of the Revised-~~ 3476  
~~Code is no longer the operations manager, the registrant shall-~~ 3477  
~~do all of the following:~~ 3478

~~(1) Within ninety days after the departure of the-~~ 3479  
~~designated operations manager, designate another person as the-~~ 3480  
~~operations manager;~~ 3481

~~(2) Within ten days after the designation described in-~~ 3482  
~~division (E) (1) of this section, notify the superintendent in-~~ 3483  
~~writing of the designation;~~ 3484

~~(3) Submit any additional information that the-~~ 3485  
~~superintendent requires to establish that the newly designated-~~ 3486  
~~operations manager complies with the requirements set forth in-~~ 3487  
~~section 1322.03 of the Revised Code.~~ 3488

~~(F) The registrant shall cease operations if it is without-~~ 3489

~~an operations manager approved by the superintendent for more than one hundred eighty days unless otherwise authorized in writing by the superintendent due to exigent circumstances.~~ 3490-3492

~~(G) Mortgage broker certificates~~ Certificates of registration issued on or after May 1, 2010, under this chapter annually expire on the thirty-first day of December. 3493-3495

(F) The pardon or expungement of a conviction shall not be considered a conviction for purposes of this section. When determining the eligibility of an applicant, the superintendent may consider the underlying crime, facts, or circumstances connected with a pardoned or expunged conviction. 3496-3500

Sec. 1322.12. Each registrant or entity holding a valid letter of exemption under division (B) (1) of section 1322.05 of the Revised Code shall designate an employee or owner of that registrant's business as the operations manager. The operations manager shall be responsible for the management, supervision, and control of a particular location. 3501-3506

To be eligible for such a designation, an employee or owner shall have at least three years of experience as a mortgage loan originator or registered mortgage loan originator. While acting as the operations manager, the employee or owner shall be licensed as a mortgage loan originator under this chapter and shall not be employed by any other mortgage lender or mortgage broker. 3507-3513

~~Sec. 1322.073~~ 1322.15. No person shall acquire, sell, transfer, or hypothecate any interest in a registrant or an applicant for a certificate of registration under this chapter in order to obfuscate or conceal the true ownership or control of the registrant or applicant. 3514-3518



**Sec. ~~1322.021~~ 1322.16.** (A) A registrant that is a 3519  
corporation, limited liability company, partnership, trust, or 3520  
other business entity or association shall notify the division 3521  
of financial institutions of every sale, transfer, or 3522  
hypothecation of any stock, security, membership, partnership, 3523  
or other equitable, beneficial, or ownership interest in the 3524  
entity or association, if the interest represents at least a 3525  
five per cent membership, partnership, or other equitable, 3526  
beneficial, or ownership interest in the entity or association. 3527

(B) Every person that acquires or otherwise receives an 3528  
interest described in division (A) of this section is subject to 3529  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter. 3530  
The division may make any investigation necessary to determine 3531  
whether any fact or condition exists that, if it had existed at 3532  
the time of the original application for a certificate of 3533  
registration, the fact or condition would have warranted the 3534  
division to deny the application under section ~~1322.04~~ 1322.10 3535  
of the Revised Code. If such a fact or condition is found, the 3536  
division may, in accordance with Chapter 119. of the Revised 3537  
Code, revoke the registrant's certificate. 3538

**Sec. ~~1322.065~~ 1322.17.** A person registered as ~~a mortgage~~ 3539  
~~broker under this chapter~~ solely to sell leads of potential 3540  
buyers to residential mortgage lenders or mortgage brokers, or 3541  
solely to match buyers with residential mortgage lenders or 3542  
mortgage brokers through a computerized loan origination system 3543  
recognized by the United States department of housing and urban 3544  
development, shall be required to make only those disclosures 3545  
under ~~sections 1322.01 to 1322.12 of the Revised Code~~ this 3546  
chapter that apply to the portion of the transaction during 3547  
which they have direct buyer contact, and shall be subject to 3548  
all fair conduct and prohibition requirements in their dealing 3549

with buyers. 3550

**Sec. ~~1322.031~~ 1322.20.** (A) An application for a license as 3551  
a mortgage loan originator shall be in writing, under oath, and 3552  
in ~~the a~~ form prescribed by the superintendent of financial 3553  
institutions that complies with the requirements of the 3554  
nationwide mortgage licensing system and registry. The 3555  
application shall be accompanied by a nonrefundable application 3556  
fee of one hundred fifty dollars and any additional fee required 3557  
by the nationwide mortgage licensing system and registry. 3558

(B) (1) The application shall provide evidence, acceptable 3559  
to the superintendent, that the applicant has successfully 3560  
completed at least twenty-four hours of pre-licensing 3561  
instruction consisting of all of the following: 3562

(a) Twenty hours of instruction in ~~a~~ an approved education 3563  
~~course or program of study reviewed and approved by the~~ 3564  
~~nationwide mortgage licensing system and registry;~~ 3565

(b) Four hours of instruction in a course or program of 3566  
study reviewed and approved by the superintendent concerning 3567  
~~state~~ Ohio lending laws and the Ohio consumer sales practices 3568  
act, Chapter 1345. of the Revised Code, as it applies to 3569  
registrants and licensees. 3570

(2) ~~Notwithstanding division (B) (1) of this section, until~~ 3571  
~~the nationwide mortgage licensing system and registry implements~~ 3572  
~~a review and approval program, the application shall provide~~ 3573  
~~evidence, as determined by the superintendent, that the~~ 3574  
~~applicant has successfully completed at least twenty four hours~~ 3575  
~~of instruction in a course or program of study approved by the~~ 3576  
~~superintendent that consists of at least all of the following:~~ 3577

~~(a) Four hours of instruction concerning state and federal~~ 3578

<del>mortgage lending laws, which shall include no less than two</del>	3579
<del>hours on this chapter;</del>	3580
<del>(b) Four hours of instruction concerning the Ohio consumer</del>	3581
<del>sales practices act, Chapter 1345. of the Revised Code, as it</del>	3582
<del>applies to registrants and licensees;</del>	3583
<del>(c) Four hours of instruction concerning the loan</del>	3584
<del>application process;</del>	3585
<del>(d) Two hours of instruction concerning the underwriting</del>	3586
<del>process;</del>	3587
<del>(e) Two hours of instruction concerning the secondary</del>	3588
<del>market for mortgage loans;</del>	3589
<del>(f) Four hours of instruction concerning the loan closing</del>	3590
<del>process;</del>	3591
<del>(g) Two hours of instruction covering basic mortgage</del>	3592
<del>financing concepts and terms;</del>	3593
<del>(h) Two hours of instruction concerning the ethical</del>	3594
<del>responsibilities of a registrant and a licensee, including with</del>	3595
<del>respect to confidentiality, consumer counseling, and the duties</del>	3596
<del>and standards of care created in section 1322.081 of the Revised</del>	3597
<del>Code.</del>	3598
<del>(3) For purposes of division (B)(1)(a) of this section,</del>	3599
<del>the review and approval of a course or program of study includes</del>	3600
<del>the review and approval of the provider of the course or program</del>	3601
<del>of study.</del>	3602
<del>(4) If an applicant held a valid <u>mortgage</u> loan originator</del>	3603
<del>license issued by this state at any time during the immediately</del>	3604
<del>preceding five-year period, the applicant shall not be required</del>	3605
<del>to complete any additional pre-licensing instruction. For this</del>	3606

purpose, any time during which the individual is a registered 3607  
mortgage loan originator shall not be taken into account. 3608

~~(5)~~ (3) A person having successfully completed the pre- 3609  
licensing education requirement reviewed and approved by the 3610  
nationwide mortgage licensing system and registry for any state 3611  
within the previous five years shall be granted credit toward 3612  
completion of the pre-licensing education requirement of this 3613  
state. 3614

(C) In addition to the information required under division 3615  
(B) of this section, the application shall provide both of the 3616  
following: 3617

(1) Evidence that the applicant passed a written test that 3618  
meets the requirements described in section ~~1322.051~~ 1322.27 of 3619  
the Revised Code; 3620

(2) Any further information that the superintendent 3621  
requires. 3622

(D) Upon the filing of the application and payment of the 3623  
application fee and any fee required by the nationwide mortgage 3624  
licensing system and registry, the superintendent of financial 3625  
institutions shall investigate the applicant ~~as set forth in~~ 3626  
~~division (D) of this section.~~ 3627

~~(1) (a) Notwithstanding division (K) of section 121.08 of~~ 3628  
~~the Revised Code, the superintendent shall obtain a criminal~~ 3629  
~~history records check and, as part of the records check, request~~ 3630  
~~that criminal record information from the federal bureau of~~ 3631  
~~investigation be obtained. To fulfill this requirement, the~~ 3632  
~~superintendent shall do either of the following:~~ 3633

~~(i) Request the superintendent of the bureau of criminal~~ 3634  
~~identification and investigation, or a vendor approved by the~~ 3635

~~bureau, to conduct a criminal records check based on the~~ 3636  
~~applicant's fingerprints or, if the fingerprints are unreadable,~~ 3637  
~~based on the applicant's social security number, in accordance~~ 3638  
~~with section 109.572 of the Revised Code,~~ 3639

~~(ii) Authorize the nationwide mortgage licensing system~~ 3640  
~~and registry to request a criminal history background check.~~ 3641

~~(b) Any fee required under division (C) (3) of section~~ 3642  
~~109.572 of the Revised Code or by the nationwide mortgage~~ 3643  
~~licensing system and registry shall be paid by the applicant.~~ 3644

~~(2) The~~. As part of that investigation, the 3645  
superintendent shall conduct a civil records check. 3646

~~(3)~~ If, in order to issue a license to an applicant, 3647  
additional investigation by the superintendent outside this 3648  
state is necessary, the superintendent may require the applicant 3649  
to advance sufficient funds to pay the actual expenses of the 3650  
investigation, if it appears that these expenses will exceed ~~one~~ 3651  
five hundred fifty dollars. The superintendent shall provide the 3652  
applicant with an itemized statement of the actual expenses that 3653  
the applicant is required to pay. 3654

(E) ~~(1)~~ In connection with applying for a loan originator 3655  
license, the applicant shall furnish to the nationwide mortgage 3656  
licensing system and registry ~~the following~~ information 3657  
concerning the applicant's identity, including all of the 3658  
following: 3659

~~(a)~~ (1) The applicant's fingerprints for submission to the 3660  
federal bureau of investigation, and any other governmental 3661  
agency or entity authorized to receive such information, for 3662  
purposes of a state, national, and international criminal 3663  
history background check; 3664

~~(b)~~ (2) Personal history and experience in a form 3665  
prescribed by the nationwide mortgage licensing system and 3666  
registry, along with authorization for the superintendent and 3667  
the nationwide mortgage licensing system and registry to obtain 3668  
both of the following: 3669

~~(i)~~ (a) An independent credit report from a consumer 3670  
reporting agency; 3671

~~(ii)~~ (b) Information related to any administrative, civil, 3672  
or criminal findings by any governmental jurisdiction. 3673

~~(2) In order to effectuate the purposes of divisions (E)~~ 3674  
~~(1) (a) and (E) (1) (b) (ii) of this section, the superintendent may~~ 3675  
~~use the conference of state bank supervisors, or a wholly owned~~ 3676  
~~subsidiary, as a channeling agent for requesting information~~ 3677  
~~from and distributing information to the United States~~ 3678  
~~department of justice or any other governmental agency. The~~ 3679  
~~superintendent may also use the nationwide mortgage licensing~~ 3680  
~~system and registry as a channeling agent for requesting~~ 3681  
~~information from and distributing information to any source~~ 3682  
~~related to matters subject to those divisions of this section.~~ 3683

(F) The superintendent shall pay all funds advanced and 3684  
application and renewal fees and penalties the superintendent 3685  
receives pursuant to this section and section ~~1322.041~~ 1322.21 3686  
of the Revised Code to the treasurer of state to the credit of 3687  
the consumer finance fund created in section 1321.21 of the 3688  
Revised Code. 3689

(G) If an application for a mortgage loan originator 3690  
license does not contain all of the information required under 3691  
this section, and if that information is not submitted to the 3692  
superintendent or to the nationwide mortgage licensing system 3693

and registry within ninety days after the superintendent or the 3694  
nationwide mortgage licensing system and registry requests the 3695  
information in writing, including by electronic transmission or 3696  
facsimile, the superintendent may consider the application 3697  
withdrawn. 3698

~~(H) (1) The business of a loan originator shall principally 3699  
be transacted at an office of the mortgage broker with whom the 3700  
licensee is employed or associated, which office is registered 3701  
in accordance with division (A) of section 1322.02 of the 3702  
Revised Code. Each original loan originator license shall be 3703  
deposited with and maintained by the mortgage broker at the 3704  
mortgage broker's main office. A copy of the license shall be 3705  
maintained and displayed at the office where the loan originator 3706  
principally transacts business. 3707~~

~~(2) If a loan originator's employment or association is 3708  
terminated for any reason, the mortgage broker shall return the 3709  
original loan originator license to the superintendent within 3710  
five business days after the termination. The licensee may 3711  
request the transfer of the license to another mortgage broker 3712  
by submitting a transfer application, along with a fifteen 3713  
dollar fee and any fee required by the national mortgage 3714  
licensing system and registry, to the superintendent or may 3715  
request the superintendent in writing to hold the license in 3716  
escrow. Any licensee whose license is held in escrow shall cease 3717  
activity as a loan originator. A licensee whose license is held 3718  
in escrow shall be required to apply for renewal annually and to 3719  
comply with the annual continuing education requirement. 3720~~

~~(3) A mortgage broker may employ or be associated with a 3721  
loan originator on a temporary basis pending the transfer of the 3722  
loan originator's license to the mortgage broker, if the 3723~~

~~mortgage broker receives written confirmation from the 3724  
superintendent that the loan originator is licensed under 3725  
sections 1322.01 to 1322.12 of the Revised Code. 3726~~

~~(4) Notwithstanding divisions (H) (1) to (3) of this 3727  
section, if a licensee is employed by or associated with a 3728  
person or entity listed in division (G) (2) of section 1322.01 of 3729  
the Revised Code, all of the following apply: 3730~~

~~(a) The licensee shall maintain and display the original 3731  
loan originator license at the office where the licensee 3732  
principally transacts business; 3733~~

~~(b) If the loan originator's employment or association is 3734  
terminated, the loan originator shall return the original loan 3735  
originator license to the superintendent within five business 3736  
days after termination. The licensee may request the transfer of 3737  
the license to a mortgage broker or another person or entity 3738  
listed in division (G) (2) of section 1322.01 of the Revised Code 3739  
by submitting a transfer application, along with a fifteen 3740  
dollar fee and any fee required by the national mortgage 3741  
licensing system and registry, to the superintendent or may 3742  
request the superintendent in writing to hold the license in 3743  
escrow. A licensee whose license is held in escrow shall cease 3744  
activity as a loan originator. A licensee whose license is held 3745  
in escrow shall be required to apply for renewal annually and to 3746  
comply with the annual continuing education requirement. 3747~~

~~(c) The licensee may seek to be employed or associated 3748  
with a mortgage broker or person or entity listed in division 3749  
(G) (2) of section 1322.01 of the Revised Code if the mortgage 3750  
broker or person or entity receives written confirmation from 3751  
the superintendent that the loan originator is licensed under 3752  
sections 1322.01 to 1322.12 of the Revised Code. 3753~~



~~(I)~~—The superintendent may establish relationships or 3754  
enter into contracts with the nationwide mortgage licensing 3755  
system and registry, or any entities designated by it, to 3756  
collect and maintain records and process transaction fees or 3757  
other fees related to mortgage loan originator licenses or the 3758  
persons associated with a licensee. 3759

(2) For purposes of this section and to reduce the points 3760  
of contact that the federal bureau of investigation may have to 3761  
maintain, the division of financial institutions may use the 3762  
nationwide mortgage licensing system and registry as a 3763  
channeling agent for requesting information from and 3764  
distributing information to the United States department of 3765  
justice or other governmental agencies. 3766

(3) For purposes of this section and to reduce the points 3767  
of contact that the division may have to maintain, the division 3768  
may use the nationwide mortgage licensing system and registry as 3769  
a channeling agent for requesting information from and 3770  
distributing information to any source as determined by the 3771  
division. 3772

~~(J)~~—~~(I)~~ A mortgage loan originator license, or the 3773  
authority granted under that license, is not assignable ~~and~~ 3774  
~~cannot be franchised by contract or any other means~~ or 3775  
transferable. 3776

**Sec. ~~1322.041~~ 1322.21.** (A) Upon the conclusion of the 3777  
investigation required under division ~~(D)~~ (C) of section 3778  
~~1322.031~~ 1322.20 of the Revised Code, the superintendent of 3779  
financial institutions shall issue a mortgage loan originator 3780  
license to the applicant if the superintendent finds that the 3781  
following conditions are met: 3782

(1) The application is accompanied by the application fee 3783  
and any fee required by the nationwide mortgage licensing system 3784  
and registry. 3785

(a) If a check or other draft instrument is returned to 3786  
the superintendent for insufficient funds, the superintendent 3787  
shall notify the applicant by certified mail, return receipt 3788  
requested, that the application will be withdrawn unless the 3789  
applicant, within thirty days after receipt of the notice, 3790  
submits the application fee and a one-hundred-dollar penalty to 3791  
the superintendent. If the applicant does not submit the 3792  
application fee and penalty within that time period, or if any 3793  
check or other draft instrument used to pay the fee or penalty 3794  
is returned to the superintendent for insufficient funds, the 3795  
application shall be withdrawn. 3796

(b) If a check or other draft instrument is returned to 3797  
the superintendent for insufficient funds after the license has 3798  
been issued, the superintendent shall notify the licensee by 3799  
certified mail, return receipt requested, that the license 3800  
issued in reliance on the check or other draft instrument will 3801  
be canceled unless the licensee, within thirty days after 3802  
receipt of the notice, submits the application fee and a one- 3803  
hundred-dollar penalty to the superintendent. If the licensee 3804  
does not submit the application fee and penalty within that time 3805  
period, or if any check or other draft instrument used to pay 3806  
the fee or penalty is returned to the superintendent for 3807  
insufficient funds, the license shall be canceled immediately 3808  
without a hearing, and the licensee shall cease activity as a 3809  
loan originator. 3810

(2) ~~The applicant complies with sections 1322.01 to~~ 3811  
~~1322.12 of the Revised Code and the rules adopted thereunder~~ has 3812

not made a material misstatement of fact or material omission of 3813  
fact in the application. 3814

(3) The applicant has not been convicted of or pleaded 3815  
guilty or nolo contendere to any of the following in a domestic, 3816  
foreign, or military court: 3817

(a) During the seven-year period immediately preceding the 3818  
date of application for the license, a misdemeanor involving 3819  
theft or any felony; 3820

(b) At any time prior to the date the application for the 3821  
license is approved, a felony involving an act of fraud, 3822  
dishonesty, a breach of trust, theft, or money laundering. 3823

~~(4) Based on the totality of the circumstances and~~ 3824  
~~information submitted in the application, the applicant has~~ 3825  
~~proven to the superintendent, by a preponderance of the~~ 3826  
~~evidence, that the applicant is of good business repute, appears~~ 3827  
~~qualified to act as a loan originator, has fully complied with~~ 3828  
~~sections 1322.01 to 1322.12 of the Revised Code and the rules~~ 3829  
~~adopted thereunder, and meets all of the conditions for issuing~~ 3830  
~~a loan originator license.~~ 3831

~~(5) The applicant successfully completed the written test~~ 3832  
~~required by section 1322.051 of the Revised Code and completed~~ 3833  
the prelicensing instruction set forth in division (B) of 3834  
section ~~1322.031~~1322.20 of the Revised Code. 3835

~~(6)~~ (5) The applicant's financial responsibility, 3836  
character, and general fitness command the confidence of the 3837  
public and warrant the belief that the business will be operated 3838  
honestly and fairly in compliance with the purposes of ~~sections~~ 3839  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter. The 3840  
superintendent shall not use a credit score or bankruptcy as the 3841

sole basis for a license denial. 3842

~~(7)~~ (6) The applicant is in compliance with the surety 3843  
bond requirements of section ~~1322.05~~ 1322.32 of the Revised 3844  
Code. 3845

~~(8)~~ (7) The applicant has not had a mortgage loan 3846  
originator license, or comparable authority, revoked in any 3847  
governmental jurisdiction. 3848

(B) The license issued under division (A) of this section 3849  
may be renewed annually on or before the thirty-first day of 3850  
December if the superintendent finds that all of the following 3851  
conditions are met: 3852

(1) The renewal application is accompanied by a 3853  
nonrefundable renewal fee of one hundred fifty dollars and any 3854  
fee required by the nationwide mortgage licensing system and 3855  
registry. If a check or other draft instrument is returned to 3856  
the superintendent for insufficient funds, the superintendent 3857  
shall notify the licensee by certified mail, return receipt 3858  
requested, that the license renewed in reliance on the check or 3859  
other draft instrument will be canceled unless the licensee, 3860  
within thirty days after receipt of the notice, submits the 3861  
renewal fee and a one-hundred-dollar penalty to the 3862  
superintendent. If the licensee does not submit the renewal fee 3863  
and penalty within that time period, or if any check or other 3864  
draft instrument used to pay the fee or penalty is returned to 3865  
the superintendent for insufficient funds, the license shall be 3866  
canceled immediately without a hearing, and the licensee shall 3867  
cease activity as a loan originator. 3868

(2) The applicant has completed at least eight hours of 3869  
continuing education as required under section ~~1322.052~~ 1322.28 3870

of the Revised Code. 3871

(3) The applicant meets the conditions set forth in 3872  
divisions (A) (2) to ~~(8)~~ (7) of this section; ~~provided, however,~~ 3873  
~~that an applicant who was issued a loan officer license prior to~~ 3874  
~~January 1, 2010, and has continuously maintained that license~~ 3875  
~~shall not be required to meet the condition described in~~ 3876  
~~division (B) (1) (b) of section 1322.031 of the Revised Code.~~ 3877

(4) The applicant's license is not subject to an order of 3878  
suspension or an unpaid and past due fine imposed by the 3879  
superintendent. 3880

(C) (1) Subject to division (C) (2) of this section, if a 3881  
license renewal application ~~or renewal fee~~, including any fee 3882  
required by the nationwide mortgage licensing system and 3883  
registry, is received by the superintendent after the thirty- 3884  
first day of December, the license shall not be considered 3885  
renewed, and the applicant shall cease activity as a mortgage 3886  
loan originator. 3887

(2) Division (C) (1) of this section shall not apply if the 3888  
applicant, ~~no not later than the thirty-first day of January~~ 3889  
forty-five days after the renewal deadline, submits the renewal 3890  
application and any other required fees and a one-hundred-dollar 3891  
penalty to the superintendent. 3892

(D) ~~Loan-Mortgage~~ originator licenses ~~issued on or after~~ 3893  
~~May 1, 2010,~~ annually expire on the thirty-first day of 3894  
December. 3895

(E) The pardon or expungement of a conviction shall not be 3896  
considered a conviction for purposes of this section. When 3897  
determining the eligibility of an applicant, the superintendent 3898  
may consider the underlying crime, facts, or circumstances 3899

connected with a pardoned or expunged conviction. 3900

**Sec. ~~1322.042~~ 1322.24.** (A) As used in this section: 3901

(1) "Out-of-state mortgage loan originator" means an 3902  
individual to whom both of the following apply: 3903

(a) The individual holds a valid mortgage loan originator 3904  
license, or comparable authority, issued pursuant to the law of 3905  
any other state of the United States. 3906

(b) The individual is registered, fingerprinted, and 3907  
maintains a unique identifier through the nationwide mortgage 3908  
licensing system and registry. 3909

(2) "Sponsor" means a registrant ~~or entity described in~~ 3910  
~~division (C) (2) of section 1322.01 of the Revised Code~~ that 3911  
employs or is associated with an applicant for a temporary 3912  
mortgage loan originator license and, during the term of the 3913  
applicant's temporary license, covers the applicant under its 3914  
corporate surety bond or requires the applicant to obtain and 3915  
maintain a corporate surety bond. 3916

(B) The superintendent of financial institutions may, in 3917  
accordance with this section, issue to an out-of-state mortgage 3918  
loan originator a temporary mortgage loan originator license 3919  
that enables the licensee to engage in the business of a 3920  
mortgage loan originator while the individual completes the 3921  
requirements necessary to meet the conditions set forth in 3922  
section ~~1322.041~~ 1322.21 of the Revised Code for a mortgage loan 3923  
originator license. A temporary mortgage loan originator license 3924  
shall be valid for a term of not more than one hundred twenty 3925  
days from the date of issuance. A temporary mortgage loan 3926  
originator license may not be renewed. 3927

(C) An application for a temporary mortgage loan 3928

originator license shall be in writing, under oath, and in a 3929  
form that meets the requirements of the nationwide mortgage 3930  
licensing system and registry. The application shall be 3931  
accompanied by a nonrefundable application fee, the amount of 3932  
which shall be determined by the superintendent in rule, and a 3933  
certification that, as of the date of application, the applicant 3934  
meets the following conditions: 3935

(1) The applicant has at least two years of experience in 3936  
the field of residential mortgage lending in the five years 3937  
immediately preceding the date of application for the temporary 3938  
mortgage loan originator license. 3939

(2) The applicant has not previously applied for a 3940  
temporary mortgage loan originator license in this state. 3941

(3) The applicant has not had a mortgage loan originator 3942  
license, or comparable authority, revoked in any governmental 3943  
jurisdiction. For purposes of division (C)(3) of this section, a 3944  
subsequent formal vacation of such a revocation shall not be 3945  
considered a revocation. 3946

(4) The applicant has not been convicted of, or pleaded 3947  
guilty or nolo contendere to, any of the following in a 3948  
domestic, foreign, or military court: 3949

(a) During the seven-year period immediately preceding the 3950  
date of application, a misdemeanor involving theft or any 3951  
felony; 3952

(b) At any time prior to the date of application, a felony 3953  
involving an act of fraud, dishonesty, a breach of trust, theft, 3954  
or money laundering. 3955

For purposes of division (C)(4) of this section, any 3956  
conviction for which the applicant has received a pardon shall 3957

not be considered a conviction. 3958

(D) The superintendent shall issue a temporary mortgage 3959  
loan originator license to the applicant if the superintendent 3960  
finds that all of the following conditions are met: 3961

(1) The application is accompanied by the application fee 3962  
and the certification described in division (C) of this section. 3963

(2) The applicant is registered, fingerprinted, and has a 3964  
valid unique identifier through the nationwide mortgage 3965  
licensing system and registry as of the date of application. 3966

(3) The applicant has authorized the nationwide mortgage 3967  
licensing system and registry to obtain a credit report for 3968  
submission to the superintendent. 3969

(4) The applicant has a sponsor that certifies employment 3970  
of, or association with, the applicant and has signed the 3971  
application. 3972

(E) The sponsor of a temporary licensee shall have an 3973  
affirmative duty to supervise the conduct of ~~each the~~ temporary 3974  
~~loan originator licensee~~ in the same manner as is required of 3975  
its other licensees. If the temporary licensee's employment or 3976  
association with the sponsor is terminated, the sponsor shall 3977  
notify the division of financial institutions of the termination 3978  
through the nationwide mortgage licensing system and registry. 3979  
Upon the division's receipt of the notice, the sponsor shall no 3980  
longer be held responsible for the conduct of the temporary 3981  
licensee. 3982

~~(F) The superintendent may, in accordance with Chapter~~ 3983  
~~119. of the Revised Code, adopt rules necessary for the~~ 3984  
~~implementation and operation of this section.~~ 3985



~~Sec. 1322.043~~ 1322.25. If the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as amended, is modified after the effective date of this ~~section amendment~~, or any regulation, statement, or position is adopted under that act, to permit states to issue a temporary mortgage loan originator license to a registered loan originator, the superintendent shall, in accordance with section 111.15 of the Revised Code, adopt rules the superintendent considers necessary and appropriate to issue a temporary license to a registered loan originator. 3986  
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~~Sec. 1322.051~~ 1322.27. Each ~~person designated under~~ ~~division (A) (3) of section 1322.03 of the Revised Code to act as~~ ~~operations manager for a mortgage broker business and each~~ applicant for a mortgage loan originator license shall submit to a written test that is developed and approved by the nationwide mortgage licensing system and registry and administered by ~~a~~ an ~~approved test provider approved by the nationwide mortgage licensing system and registry based on reasonable standards.~~ 3996  
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(A) The test shall adequately measure the ~~designee's or~~ applicant's knowledge and comprehension in appropriate subject areas, including ethics, federal and state law related to mortgage origination, fraud, consumer protection, and the nontraditional mortgage marketplace, and fair lending issues. 4004  
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(B) An individual shall not be considered to have passed the written test unless the individual answers at least seventy-five per cent of the questions correctly. 4009  
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(C) An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. If an individual fails three consecutive tests, the individual shall be required to wait at least six months before 4012  
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taking the test again. 4016

(D) If a mortgage loan originator fails to maintain a 4017  
valid mortgage loan originator license for a period of five 4018  
years or longer, the individual shall be required to retake the 4019  
test. 4020

For this purpose, any time during which the individual is 4021  
a registered mortgage loan originator shall not be taken into 4022  
account. 4023

**Sec. ~~1322.052~~ 1322.28.** (A) Each licensee ~~and each person~~ 4024  
~~designated under division (A) (3) of section 1322.03 of the~~ 4025  
~~Revised Code to act as operations manager for a mortgage broker~~ 4026  
~~business~~ shall complete at least eight hours of continuing 4027  
education every calendar year. To fulfill this requirement, the 4028  
eight hours of continuing education must be offered in a course 4029  
or program of study reviewed and approved by the ~~nationwide~~ 4030  
~~mortgage licensing system and registry~~ superintendent of 4031  
financial institutions. The course or program of study shall 4032  
include all of the following: 4033

(1) Three hours of applicable federal law and regulations; 4034

(2) Two hours of ethics, which shall include instruction 4035  
on fraud, consumer protection, and fair lending issues; 4036

(3) Two hours of training related to lending standards for 4037  
non-qualified mortgages, as defined in 12 C.F.R. 1026.43, or the 4038  
nontraditional mortgage product marketplace. 4039

(B) Continuing education courses shall be reviewed and 4040  
approved by the nationwide mortgage licensing system and 4041  
registry based upon reasonable standards. 4042

(C) The following conditions shall apply to the continuing 4043

education required by this section: 4044

(1) An individual cannot take the same approved course in 4045  
the same or successive years to meet the annual requirement for 4046  
continuing education. 4047

(2) An individual can only receive credit for a continuing 4048  
education course in the year in which the course is taken, 4049  
unless the individual is making up a deficiency in continuing 4050  
education as permitted by rule or order of the superintendent ~~of~~ 4051  
~~financial institutions.~~ 4052

(3) A licensee who subsequently becomes unlicensed must 4053  
complete the continuing education requirement for the last year 4054  
in which the license was held prior to the issuance of a new or 4055  
renewed license. 4056

(4) A licensee who is approved as an instructor of a 4057  
continuing education course receives credit for the licensee's 4058  
own annual continuing education requirement at the rate of two 4059  
credit hours for every one hour taught. 4060

(5) If an individual successfully completed a continuing 4061  
education course reviewed and approved by the nationwide 4062  
mortgage licensing system and registry as required by another 4063  
state, the individual can receive credit toward completion of 4064  
the continuing education requirement of this state. 4065

~~(D) Notwithstanding division (A) of this section, until~~ 4066  
~~the nationwide mortgage licensing system and registry implements~~ 4067  
~~a review and approval process, each licensee or person~~ 4068  
~~designated under division (A) (3) of section 1322.03 of the~~ 4069  
~~Revised Code shall provide evidence that the licensee or person~~ 4070  
~~has successfully completed at least eight hours of continuing~~ 4071  
~~education in a course or program of study approved by the~~ 4072

~~superintendent of financial institutions.~~ 4073

Sec. 1322.29. (A) A registrant or entity holding a valid 4074  
letter of exemption under division (B) (1) of section 1322.05 of 4075  
the Revised Code shall supervise all business of a mortgage loan 4076  
originator conducted at the principal office, any branch office, 4077  
or other location used by the individual mortgage loan 4078  
originator. 4079

(B) If a mortgage loan originator's employment or 4080  
association is terminated for any reason, the licensee may 4081  
request the transfer of the license to another mortgage lender 4082  
or mortgage broker by submitting a transfer application, along 4083  
with a fifteen-dollar fee and any fee required by the national 4084  
mortgage licensing system and registry, to the superintendent of 4085  
financial institutions or may request the superintendent in 4086  
writing to hold the license in escrow. Any licensee whose 4087  
license is held in escrow shall cease activity as a mortgage 4088  
loan originator. A licensee whose license is held in escrow 4089  
shall be required to apply for renewal annually and to comply 4090  
with the annual continuing education requirement. 4091

(C) A registrant may employ or be associated with a 4092  
mortgage loan originator on a temporary basis pending the 4093  
transfer of the mortgage loan originator's license to the 4094  
registrant, if the registrant receives written confirmation from 4095  
the superintendent that the mortgage loan originator is licensed 4096  
under this chapter. 4097

(D) Notwithstanding divisions (A) to (C) of this section, 4098  
if a licensee is employed by or associated with a person or 4099  
entity holding a valid letter of exemption under division (B) (1) 4100  
of section 1322.05 of the Revised Code, all of the following 4101  
apply: 4102

(1) The licensee shall maintain and display a copy of the mortgage loan originator license at the office where the licensee principally transacts business. 4103  
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(2) If the mortgage loan originator's employment or association is terminated, the mortgage loan originator shall notify the superintendent within five business days after termination. The licensee may request the transfer of the license to another person or entity holding a valid letter of exemption under division (B)(1) of section 1322.05 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 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. 4106  
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(E) A licensee may seek to be employed by or associated with a registrant or a person or entity holding a valid letter of exemption under division (B)(1) of section 1322.05 of the Revised Code, if the mortgage lender, mortgage broker, or person or entity receives written confirmation from the superintendent that the mortgage loan originator is licensed under this chapter. 4121  
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**Sec. 1322.30.** A registrant may contract for and receive interest at any rate or rates agreed upon or consented to by the parties to the dwelling secured loan or mortgage, but not exceeding an annual percentage rate of twenty-five per cent. 4128  
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~~Sec. 1322.05~~ **1322.32.** (A) (1) No registrant shall conduct 4132

business in this state, unless the registrant has obtained and 4133  
maintains in effect at all times a corporate surety bond issued 4134  
by a bonding company or insurance company authorized to do 4135  
business in this state. The bond shall be in favor of the 4136  
superintendent of financial institutions and in the penal sum of 4137  
one-half per cent of the aggregate loan amount of residential 4138  
mortgage loans originated in the immediately preceding calendar 4139  
year, but not exceeding one hundred fifty thousand dollars. 4140  
Under no circumstances, however, shall the bond be less than 4141  
fifty thousand dollars and an additional penal sum of ten 4142  
thousand dollars for each location, in excess of one, at which 4143  
the registrant conducts business. The term of the bond shall 4144  
coincide with the term of registration. A copy of the bond shall 4145  
be filed with the superintendent. The bond shall be for the 4146  
exclusive benefit of any buyer injured by a violation by an 4147  
employee of the registrant, mortgage loan originator employed by 4148  
or associated with the registrant, or registrant of any 4149  
provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4150  
this chapter or any rule adopted thereunder. The aggregate 4151  
liability of the corporate surety for any and all breaches of 4152  
the conditions of the bond shall not exceed the penal sum of the 4153  
bond. 4154

(2) (a) No licensee who is employed by or associated with a 4155  
person or entity ~~listed in holding a valid letter of exemption~~ 4156  
under division (C) (2) (B) (1) of section 1322.01-1322.05 of the 4157  
Revised Code shall conduct business in this state, unless either 4158  
the licensee or the person or entity on the licensee's behalf 4159  
has obtained and maintains in effect at all times a corporate 4160  
surety bond issued by a bonding company or insurance company 4161  
authorized to do business in this state. The bond shall be in 4162  
favor of the superintendent of financial institutions and in the 4163

penal sum of one-half per cent of the aggregate loan amount of 4164  
residential mortgage loans originated in the immediately 4165  
preceding calendar year, but not exceeding one hundred thousand 4166  
dollars. Under no circumstances, however, shall the bond be less 4167  
than fifty thousand dollars. The term of the bond shall coincide 4168  
with the term of licensure. A copy of the bond shall be filed 4169  
with the superintendent. The bond shall be for the exclusive 4170  
benefit of any buyer injured by a violation by the licensee of 4171  
any provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4172  
this chapter or any rule adopted thereunder. The aggregate 4173  
liability of the corporate surety for any and all breaches of 4174  
the conditions of the bond shall not exceed the penal sum of the 4175  
bond. 4176

(b) Licensees covered by a corporate surety bond obtained 4177  
by a registrant, or by a person or entity ~~listed in holding a~~ 4178  
valid letter of exemption under division (G) (2), (B) (1) of 4179  
section ~~1322.01-1322.05~~ of the Revised Code, they are employed 4180  
by or associated with shall not be required to obtain an 4181  
individual bond. 4182

(B) (1) (a) The registrant shall give notice to the 4183  
superintendent by certified mail of any action that is brought 4184  
by a buyer against the registrant, mortgage loan originator, or 4185  
employee alleging injury by a violation of any provision of 4186  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter or 4187  
any rule adopted thereunder, and of any judgment that is entered 4188  
against the registrant, mortgage loan originator, or employee by 4189  
a buyer injured by a violation of any provision of ~~sections~~ 4190  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter or any rule 4191  
adopted thereunder. The notice shall provide details sufficient 4192  
to identify the action or judgment, and shall be filed with the 4193  
superintendent within ten days after the commencement of the 4194

action or notice to the registrant of entry of a judgment. 4195

(b) The licensee shall give notice to the superintendent 4196  
by certified mail of any action that is brought by a buyer 4197  
against the licensee alleging injury by a violation of any 4198  
provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4199  
this chapter or any rule adopted thereunder, and of any judgment 4200  
that is entered against the licensee by a buyer injured by a 4201  
violation of any provision of ~~sections 1322.01 to 1322.12 of the~~ 4202  
~~Revised Code~~ this chapter or any rule adopted thereunder. The 4203  
notice shall provide details sufficient to identify the action 4204  
or judgment, and shall be filed with the superintendent within 4205  
ten days after the commencement of the action or notice to the 4206  
licensee of entry of a judgment. A person or entity ~~listed in~~ 4207  
holding a valid letter of exemption under division (G)(2) (B)(1) 4208  
of section ~~1322.01-1322.05~~ of the Revised Code that secures 4209  
bonding for the licensees employed by or associated with the 4210  
person or entity shall report such actions or judgments in the 4211  
same manner as is required of registrants. 4212

(2) A corporate surety, within ten days after it pays any 4213  
claim or judgment, shall give notice to the superintendent by 4214  
certified mail of the payment, with details sufficient to 4215  
identify the person and the claim or judgment paid. 4216

(C) Whenever the penal sum of the corporate surety bond is 4217  
reduced by one or more recoveries or payments, the registrant or 4218  
licensee shall furnish a new or additional bond under this 4219  
section, so that the total or aggregate penal sum of the bond or 4220  
bonds equals the sum required by this section, or shall furnish 4221  
an endorsement executed by the corporate surety reinstating the 4222  
bond to the required penal sum of it. 4223

(D) The liability of the corporate surety on the bond to 4224



the superintendent and to any buyer injured by a violation of 4225  
any provision of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4226  
this chapter or any rule adopted thereunder shall not be 4227  
affected in any way by any misrepresentation, breach of 4228  
warranty, or failure to pay the premium, by any act or omission 4229  
upon the part of the registrant or licensee, by the insolvency 4230  
or bankruptcy of the registrant or licensee, or by the 4231  
insolvency of the registrant's or licensee's estate. The 4232  
liability for any act or omission that occurs during the term of 4233  
the corporate surety bond shall be maintained and in effect for 4234  
at least two years after the date on which the corporate surety 4235  
bond is terminated or canceled. 4236

(E) The corporate surety bond shall not be canceled by the 4237  
registrant, the licensee, or the corporate surety except upon 4238  
notice to the superintendent by certified mail, return receipt 4239  
requested. The cancellation shall not be effective prior to 4240  
thirty days after the superintendent receives the notice. 4241

(F) No registrant or licensee employed by or associated 4242  
with a person or entity ~~listed in holding a valid letter of~~ 4243  
exemption under division (G) (2) (B) (1) of section 1322.01 4244  
1322.05 of the Revised Code shall fail to comply with this 4245  
section. Any registrant or licensee that fails to comply with 4246  
this section shall cease all mortgage lender, mortgage broker, 4247  
or mortgage loan originator activity in this state until the 4248  
registrant or licensee complies with this section. 4249

**~~Sec. 1322.06~~ 1322.34**. (A) As often as the superintendent 4250  
of financial institutions considers it necessary, the 4251  
superintendent may examine the registrant's or licensee's 4252  
records, including all records created or processed by a 4253  
licensee, pertaining to business transacted pursuant to ~~sections~~ 4254

~~1322.01 to 1322.12 of the Revised Code, this chapter.~~ 4255

(B) A registrant or licensee shall maintain records 4256  
pertaining to business transacted pursuant to ~~sections 1322.01~~ 4257  
~~to 1322.12 of the Revised Code, including copies of all mortgage~~ 4258  
~~loan origination disclosure statements prepared in accordance~~ 4259  
~~with section 1322.062 of the Revised Code, this chapter for four~~ 4260  
years. For purposes of this division, "registrant or licensee" 4261  
includes any person whose certificate of registration or license 4262  
is cancelled, surrendered, or revoked or who otherwise ceases to 4263  
engage in business as a mortgage lender, mortgage broker, or 4264  
mortgage loan originator. 4265

No registrant or licensee shall fail to comply with this 4266  
division. 4267

(C) ~~Each registrant and, licensee, and entity holding a~~ 4268  
~~valid letter of exemption under division (B) (1) of section~~ 4269  
~~1322.05 of the Revised Code shall submit to the nationwide~~ 4270  
mortgage licensing system and registry call reports or other 4271  
reports of condition, which reports shall be in such form and 4272  
shall contain such information as the nationwide mortgage 4273  
licensing system and registry may require. Each registrant and 4274  
entity holding a valid letter of exemption under division (B) (1) 4275  
of section 1322.05 of the Revised Code shall ensure that all 4276  
residential mortgage loans that are consummated as a result of a 4277  
mortgage loan originator's loan origination activities are 4278  
included in the report of condition submitted to the nationwide 4279  
mortgage licensing system and registry. 4280

~~(D) (1) As required by the superintendent, each registrant~~ 4281  
~~shall file with the division of financial institutions an annual~~ 4282  
~~report under oath or affirmation, on forms supplied by the~~ 4283  
~~division, concerning the business and operations of the~~ 4284

~~registrant for the preceding calendar year. If a registrant-~~ 4285  
~~operates two or more registered offices, or two or more-~~ 4286  
~~affiliated registrants operate registered offices, a composite-~~ 4287  
~~report of the group of registered offices may be filed in lieu-~~ 4288  
~~of individual reports. For purposes of compliance with this-~~ 4289  
~~requirement, the superintendent may accept call reports or other-~~ 4290  
~~reports of condition submitted to the nationwide mortgage-~~ 4291  
~~licensing system and registry in lieu of the annual report.~~ 4292

~~(2) The superintendent shall publish annually an analysis-~~ 4293  
~~of the information required under division (D) (1) of this-~~ 4294  
~~section, but the individual reports, whether filed with the-~~ 4295  
~~superintendent or the nationwide mortgage licensing system and-~~ 4296  
~~registry, shall not be public records and shall not be open to-~~ 4297  
~~public inspection or otherwise be subject to section 149.43 of-~~ 4298  
~~the Revised Code. Any document or record that is required to be~~ 4299  
~~signed and that is filed in this state as an electronic record~~ 4300  
~~through the nationwide mortgage licensing system and registry,~~ 4301  
~~and any other electronic record filed through the nationwide~~ 4302  
~~mortgage licensing system and registry, shall be considered a~~ 4303  
~~valid original document upon reproduction to paper form by the~~ 4304  
~~division of financial institutions.~~ 4305

**Sec. ~~1322.072~~ 1322.35.** No person, in connection with any 4306  
examination or investigation conducted by the superintendent of 4307  
financial institutions under ~~sections 1322.01 to 1322.12 of the-~~ 4308  
~~Revised Code~~ this chapter, shall knowingly do any of the 4309  
following: 4310

(A) Circumvent, interfere with, obstruct, or fail to 4311  
cooperate, including making a false or misleading statement, 4312  
failing to produce records, or intimidating or suborning any 4313  
witness; 4314

(B) Tamper with, alter, or manufacture any evidence; 4315

(C) Withhold, abstract, remove, mutilate, destroy, or 4316  
secrete any books, records, computer records, or other 4317  
information. 4318

**Sec. ~~1322.061~~ 1322.36.** (A) (1) The following information is 4319  
confidential: 4320

(a) Examination information, and any information leading 4321  
to or arising from an examination; 4322

(b) Investigation information, and any information arising 4323  
from or leading to an investigation. 4324

(2) The information described in division (A) (1) of this 4325  
section shall remain confidential for all purposes except when 4326  
it is necessary for the superintendent of financial institutions 4327  
to take official action regarding the affairs of a registrant or 4328  
licensee, or in connection with criminal or civil proceedings to 4329  
be initiated by a prosecuting attorney or the attorney general. 4330  
This information may also be introduced into evidence or 4331  
disclosed when and in the manner authorized by section 1181.25 4332  
of the Revised Code. 4333

(B) All application information, except social security 4334  
numbers, employer identification numbers, financial account 4335  
numbers, the identity of the institution where financial 4336  
accounts are maintained, personal financial information, 4337  
fingerprint cards and the information contained on such cards, 4338  
and criminal background information, is a public record as 4339  
defined in section 149.43 of the Revised Code. 4340

(C) This section does not prevent the division of 4341  
financial institutions from releasing to or exchanging with 4342  
other financial institution regulatory authorities information 4343

relating to registrants and licensees. For this purpose, a 4344  
"financial institution regulatory authority" includes a 4345  
regulator of a business activity in which a registrant or 4346  
licensee is engaged, or has applied to engage in, to the extent 4347  
that the regulator has jurisdiction over a registrant or 4348  
licensee engaged in that business activity. A registrant or 4349  
licensee is engaged in a business activity, and a regulator of 4350  
that business activity has jurisdiction over the registrant or 4351  
licensee, whether the registrant or licensee conducts the 4352  
activity directly or a subsidiary or affiliate of the registrant 4353  
or licensee conducts the activity. 4354

(D) The superintendent shall, on a regular basis, report 4355  
violations of ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4356  
any provision of this chapter, as well as enforcement actions 4357  
and other relevant information, to the nationwide mortgage 4358  
licensing system and registry. 4359

(E) (1) Any confidentiality or privilege arising under 4360  
federal or state law with respect to any information or material 4361  
provided to the nationwide mortgage licensing system and 4362  
registry shall continue to apply to the information or material 4363  
after the information or material is provided to the nationwide 4364  
mortgage licensing system and registry. The information and 4365  
material so provided may be released to any state or federal 4366  
regulatory official with mortgage industry oversight authority 4367  
without the loss of confidentiality or privilege protections 4368  
provided by federal law or the law of any state. Information or 4369  
material described in division (E) (1) of this section to which 4370  
confidentiality or privilege applies shall not be subject to any 4371  
of the following: 4372

(a) Disclosure under any federal or state law governing 4373

disclosure to the public of information held by an officer or an 4374  
agency of the federal government or of the respective state; 4375

(b) Subpoena or discovery, or admission into evidence, in 4376  
any private civil action or administrative process, unless the 4377  
person to whom such information or material pertains waives, in 4378  
whole or in part and at the discretion of the person, any 4379  
privilege held by the nationwide mortgage licensing system and 4380  
registry with respect to that information or material. 4381

(2) The superintendent, in order to promote more effective 4382  
regulation and reduce regulatory burden through supervisory 4383  
information sharing, may enter into sharing arrangements with 4384  
other governmental agencies, the conference of state bank 4385  
supervisors, and the American association of residential 4386  
mortgage regulators. 4387

(3) Any state law, including section 149.43 of the Revised 4388  
Code, relating to the disclosure of confidential supervisory 4389  
information or any information or material described in division 4390  
(A) (1) or (E) (1) of this section that is inconsistent with this 4391  
section shall be superseded by the requirements of this section. 4392

(F) This section shall not apply with respect to 4393  
information or material relating to the employment history of, 4394  
and publicly adjudicated disciplinary and enforcement actions 4395  
against, mortgage loan originators that is included in the 4396  
nationwide mortgage licensing system and registry for access by 4397  
the public. 4398

(G) This section does not prevent the division from 4399  
releasing information relating to registrants and licensees to 4400  
the attorney general, to the superintendent of real estate and 4401  
professional licensing for purposes relating to the 4402

administration of Chapters 4735. and 4763. of the Revised Code, 4403  
to the superintendent of insurance for purposes relating to the 4404  
administration of Chapter 3953. of the Revised Code, to the 4405  
commissioner of securities for purposes relating to the 4406  
administration of Chapter 1707. of the Revised Code, or to local 4407  
law enforcement agencies and local prosecutors. Information the 4408  
division releases pursuant to this section remains confidential. 4409

(H) The superintendent of financial institutions shall, by 4410  
rule adopted in accordance with Chapter 119. of the Revised 4411  
Code, establish a process by which mortgage loan originators may 4412  
challenge any information provided to the nationwide mortgage 4413  
licensing system and registry by the superintendent. 4414

**Sec. ~~1322.07~~ 1322.40.** No registrant, licensee, or person 4415  
required to be registered or licensed under ~~sections 1322.01 to~~ 4416  
~~1322.12 of the Revised Code~~ this chapter, or individual 4417  
disclosed in an application as required by ~~division (A) (2) of~~ 4418  
~~section 1322.03 of the Revised Code~~ this chapter, shall do any 4419  
of the following: 4420

(A) Obtain a ~~mortgage broker~~ certificate of registration 4421  
or mortgage loan originator license through any false or 4422  
fraudulent representation of a material fact or any omission of 4423  
a material fact required by state law, or make any substantial 4424  
misrepresentation in any registration or license application; 4425

(B) Make false or misleading statements of a material 4426  
fact, omissions of statements required by state or federal law, 4427  
or false promises regarding a material fact, through advertising 4428  
or other means, or engage in a continued course of 4429  
misrepresentations; 4430

(C) Engage in conduct that constitutes improper, 4431

fraudulent, or dishonest dealings; 4432

(D) Fail to notify the division of financial institutions 4433  
within thirty days after any of the following: 4434

(1) Being convicted of or pleading guilty or nolo 4435  
contendere to a felony in a domestic, foreign, or military 4436  
court; 4437

(2) Being convicted of or pleading guilty or nolo 4438  
contendere to any criminal offense involving theft, receiving 4439  
stolen property, embezzlement, forgery, fraud, passing bad 4440  
checks, money laundering, breach of trust, dishonesty, or drug 4441  
trafficking, or any criminal offense involving money or 4442  
securities, in a domestic, foreign, or military court; 4443

(3) Having a mortgage lender or mortgage broker 4444  
certificate of registration or mortgage loan originator license, 4445  
or any comparable authority, revoked in any governmental 4446  
jurisdiction. 4447

(E) Knowingly make, propose, or solicit fraudulent, false, 4448  
or misleading statements on any mortgage loan document or on any 4449  
document related to a mortgage loan, including a mortgage 4450  
application, real estate appraisal, or real estate settlement or 4451  
closing document. For purposes of this division, "fraudulent, 4452  
false, or misleading statements" does not include mathematical 4453  
errors, inadvertent transposition of numbers, typographical 4454  
errors, or any other bona fide error. 4455

(F) Knowingly instruct, solicit, propose, or otherwise 4456  
cause a buyer to sign in blank a mortgage related document; 4457

(G) Knowingly compensate, instruct, induce, coerce, or 4458  
intimidate, or attempt to compensate, instruct, induce, coerce, 4459  
or intimidate, a person licensed or certified under Chapter 4460



4763. of the Revised Code for the purpose of corrupting or 4461  
improperly influencing the independent judgment of the person 4462  
with respect to the value of the dwelling offered as security 4463  
for repayment of a mortgage loan; 4464

(H) Promise to refinance a loan in the future at a lower 4465  
interest rate or with more favorable terms, unless the promise 4466  
is set forth in writing and is initialed by the buyer; 4467

(I) Engage in any unfair, deceptive, or unconscionable act 4468  
or practice prohibited under sections 1345.01 to 1345.13 of the 4469  
Revised Code. 4470

**Sec. ~~1322.074~~ 1322.41.** (A) Except as otherwise provided in 4471  
division (B) of this section, no registrant, or any member of 4472  
the immediate family of an owner of a registrant, shall own or 4473  
control a majority interest in an appraisal company. 4474

(B) Division (A) of this section shall not apply to any 4475  
registrant, or any member of the immediate family of an owner of 4476  
a registrant, who, on January 1, 2010, directly or indirectly 4477  
owns or controls a majority interest in an appraisal company. 4478  
However, such ownership or control is subject to the following 4479  
conditions: 4480

(1) The registrant and members of the immediate family of 4481  
an owner of a registrant shall not increase their interest in 4482  
the company. 4483

(2) The interest is not transferable to a member of the 4484  
immediate family of an owner of a registrant. 4485

(3) If the registrant is convicted of or pleads guilty or 4486  
nolo contendere to a criminal violation of ~~sections 1322.01 to~~ 4487  
~~1322.12 of the Revised Code~~ this chapter or any criminal offense 4488  
described in division (A) (1) (b) of section ~~1322.10~~ 1322.50 of 4489

the Revised Code, the superintendent of financial institutions 4490  
may, in addition to any of the actions authorized under section 4491  
~~1322.10~~ 1322.50 of the Revised Code, order the registrant or 4492  
members of the immediate family of an owner of a registrant to 4493  
divest their interest in the company. 4494

**Sec. ~~1322.075~~ 1322.42.** (A) (1) No registrant or licensee or 4495  
person required to be registered or licensed under ~~sections~~ 4496  
~~1322.01 to 1322.12~~ of the Revised Code this chapter shall refer 4497  
a buyer to any settlement service provider, including any title 4498  
insurance company, that has an affiliated business arrangement 4499  
with the registrant, licensee, or person without providing the 4500  
buyer with written notice ~~disclosing all of the following:~~ 4501

~~(1) Any business relationship that exists between the~~ 4502  
~~registrant, licensee, or person required to be registered or~~ 4503  
~~licensed under sections 1322.01 to 1322.12 of the Revised Code,~~ 4504  
~~and the provider to which the buyer is being referred, and any~~ 4505  
~~financial benefit that the registrant, licensee, or person may~~ 4506  
~~be provided because of the relationship;~~ 4507

~~(2) The percentage of ownership interest the registrant,~~ 4508  
~~licensee, or person required to be registered or licensed under~~ 4509  
~~sections 1322.01 to 1322.12 of the Revised Code has in the~~ 4510  
~~provider to which the buyer is being referred;~~ 4511

~~(3) The estimated charge or range of charges for the~~ 4512  
~~settlement service listed;~~ 4513

~~(4) The following statement, printed in boldface type of~~ 4514  
~~the minimum size of sixteen points: "There are frequently other~~ 4515  
~~settlement service providers available with similar services.~~ 4516  
~~You are free to shop around to determine that you are receiving~~ 4517  
~~the best services and the best rate for these services." as~~ 4518

required by rule adopted by the superintendent. 4519

(2) As used in division (A) (1) of this section, 4520  
"affiliated business arrangement" has the same meaning as in 12 4521  
U.S.C. 2602. 4522

(B) No registrant or licensee shall refer a buyer to an 4523  
appraisal company, if the registrant or licensee, a member of 4524  
the immediate family of an owner of the registrant, or a member 4525  
of the licensee's immediate family, has either of the following 4526  
financial relationships with the appraisal company: 4527

(1) An ownership or investment interest in the company, 4528  
whether through debt, equity, or other means; 4529

(2) Any compensation arrangement involving any 4530  
remuneration, directly or indirectly, overtly or covertly, in 4531  
cash or in kind. 4532

(C) No registrant or licensee shall knowingly enter into 4533  
an arrangement or scheme, including a cross-referral 4534  
arrangement, that has a principal purpose of assuring referrals 4535  
by a registrant or licensee to a particular appraisal company 4536  
that would violate division (B) of this section. 4537

(D) The registrant, licensee, and entity holding a valid 4538  
letter of exemption under division (B) (1) of section 1322.05 of 4539  
the Revised Code, or person required to be registered or 4540  
licensed under ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4541  
this chapter shall retain proof that the buyer received the 4542  
written disclosures required by division (A) of this section for 4543  
four years. 4544

**Sec. 1322.43.** No registrant and entity holding a valid 4545  
letter of exemption under division (B) (1) of section 1322.05 of 4546  
the Revised Code, through its operations manager or otherwise, 4547

shall fail to do either of the following: 4548

(A) Reasonably supervise a mortgage loan originator or any 4549  
other person associated with the registrant; 4550

(B) Establish reasonable procedures designed to avoid 4551  
violations of any provision of this chapter or the rules adopted 4552  
under this chapter, or violations of applicable state and 4553  
federal consumer and lending laws or rules, by mortgage loan 4554  
originators or any other person associated with the registrant. 4555

**Sec. ~~1322.081~~ 1322.45.** (A) A registrant, a licensee, and 4556  
any person required to be registered or licensed under ~~sections~~ 4557  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter, in addition 4558  
to duties imposed by other statutes or common law, shall do all 4559  
of the following: 4560

(1) Safeguard and account for any money handled for the 4561  
buyer; 4562

(2) Follow reasonable and lawful instructions from the 4563  
buyer; 4564

(3) Act with reasonable skill, care, and diligence; 4565

(4) Act in good faith and with fair dealing in any 4566  
transaction, practice, or course of business in connection with 4567  
the brokering or originating of any residential mortgage loan; 4568

(5) Make reasonable efforts to secure a residential 4569  
mortgage loan, from lenders with whom the registrant, licensee, 4570  
or person regularly does business, with rates, charges, and 4571  
repayment terms that are advantageous to the buyer. 4572

(B) Division (A) of this section shall not apply to 4573  
wholesale lenders. However, wholesale lenders are subject to all 4574  
other requirements applicable to mortgage brokers and nonbank 4575

mortgage lenders. For purposes of this division, "wholesale lender" means a company that has been issued a ~~mortgage broker~~ certificate of registration and that enters into transactions with buyers exclusively through unaffiliated third-party mortgage brokers.

(C) The duties and standards of care created in this section cannot be waived or modified.

(D) (1) A buyer injured by a ~~violation of failure to comply with~~ this section may bring an action for recovery of damages.

(2) Damages awarded under division (D) (1) of this section shall not be less than all compensation paid directly or indirectly to a mortgage broker from any source, plus reasonable attorney's fees and court costs.

(3) The buyer may be awarded punitive damages.

(E) A buyer injured by a ~~violation of failure to comply with~~ this section is precluded from recovering any damages, plus reasonable attorney's fees and costs, if the buyer has also recovered any damages in a cause of action initiated under section ~~1322.11-1322.52~~ of the Revised Code and the recovery of damages for a ~~violation of failure to comply with~~ this section is based on the same acts or circumstances as the basis for recovery of damages in section ~~1322.11-1322.52~~ of the Revised Code.

(F) This section shall not be interpreted by the superintendent to require a separate account for deposit of buyer funds.

**Sec. ~~1322.09~~ 1322.46.** (A) A ~~mortgage broker registrant~~ or mortgage loan originator shall disclose in any printed, televised, broadcast, electronically transmitted, or published

advertisement relating to the ~~mortgage broker's registrant's~~ or 4605  
mortgage loan originator's services, including on any electronic 4606  
site accessible through the internet, the business name ~~and~~ 4607  
~~street address~~ of the ~~mortgage broker registrant~~ or mortgage 4608  
loan originator and the ~~number designated on the certificate of~~ 4609  
~~registration or license that is issued to~~ unique identifier of 4610  
the ~~mortgage broker registrant~~ or mortgage loan originator ~~by~~ 4611  
~~the superintendent of financial institutions under sections~~ 4612  
~~1322.01 to 1322.12 of the Revised Code.~~ 4613

(B) In making any advertisement, a ~~mortgage broker~~ 4614  
registrant shall comply with 12 C.F.R. 226.16, as amended. 4615

~~(C) No mortgage broker or loan originator shall fail to~~ 4616  
~~comply with this section.~~ 4617

**Sec. ~~1322.10~~ 1322.50.** (A) After notice and opportunity for 4618  
a hearing conducted in accordance with Chapter 119. of the 4619  
Revised Code, the superintendent of financial institutions may 4620  
do the following: 4621

(1) Suspend, revoke, or refuse to issue or renew a 4622  
certificate of registration or license if the superintendent 4623  
finds any of the following: 4624

(a) A violation of or failure to comply with any provision 4625  
of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter 4626  
or the rules adopted under ~~those sections~~ this chapter, federal 4627  
lending law, or any other law applicable to the business 4628  
conducted under a certificate of registration or license; 4629

(b) A conviction of or guilty or nolo contendere plea to a 4630  
felony in a domestic, foreign, or military court; 4631

(c) A conviction of or guilty or nolo contendere plea to 4632  
any criminal offense involving theft, receiving stolen property, 4633

embezzlement, forgery, fraud, passing bad checks, money 4634  
laundering, breach of trust, dishonesty, or drug trafficking, or 4635  
any criminal offense involving money or securities, in a 4636  
domestic, foreign, or military court; 4637

(d) The revocation of a ~~mortgage broker~~ certificate of 4638  
registration or mortgage loan originator license, or any 4639  
comparable authority, in any governmental jurisdiction. 4640

(2) Impose a fine of not more than one thousand dollars, 4641  
for each day a violation of a law or rule is committed, 4642  
repeated, or continued. If the registrant or licensee engages in 4643  
a pattern of repeated violations of a law or rule, the 4644  
superintendent may impose a fine of not more than two thousand 4645  
dollars for each day the violation is committed, repeated, or 4646  
continued. All fines collected pursuant to this division shall 4647  
be paid to the treasurer of state to the credit of the consumer 4648  
finance fund created in section 1321.21 of the Revised Code. In 4649  
determining the amount of a fine to be imposed pursuant to this 4650  
division, the superintendent may consider all of the following, 4651  
to the extent known by the division of financial institutions: 4652

(a) The seriousness of the violation; 4653

(b) The registrant's or licensee's good faith efforts to 4654  
prevent the violation; 4655

(c) The registrant's or licensee's history regarding 4656  
violations and compliance with division orders; 4657

(d) The registrant's or licensee's financial resources; 4658

(e) Any other matters the superintendent considers 4659  
appropriate in enforcing ~~sections 1322.01 to 1322.12 of the~~ 4660  
~~Revised Code~~ this chapter. 4661

(B) The superintendent may investigate alleged violations 4662  
of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter 4663  
or the rules adopted under ~~those sections~~ this chapter or 4664  
complaints concerning any violation. 4665

(1) The superintendent may make application to the court 4666  
of common pleas for an order enjoining any violation and, upon a 4667  
showing by the superintendent that a person has committed or is 4668  
about to commit that violation, the court shall grant an 4669  
injunction, restraining order, or other appropriate relief. 4670

(2) The superintendent may make application to the court 4671  
of common pleas for an order enjoining any person from acting as 4672  
a mortgage lender, mortgage broker, registrant, mortgage loan 4673  
originator, or licensee in violation of division (A) or (B) of 4674  
section ~~1322.02-1322.07~~ of the Revised Code, and may seek and 4675  
obtain civil penalties for unregistered or unlicensed conduct of 4676  
not more than five thousand dollars per violation. 4677

(C) In conducting any investigation pursuant to this 4678  
section, the superintendent may compel, by subpoena, witnesses 4679  
to testify in relation to any matter over which the 4680  
superintendent has jurisdiction and may require the production 4681  
of any book, record, or other document pertaining to that 4682  
matter. If a person fails to file any statement or report, obey 4683  
any subpoena, give testimony, produce any book, record, or other 4684  
document as required by a subpoena, or permit photocopying of 4685  
any book, record, or other document subpoenaed, the court of 4686  
common pleas of any county in this state, upon application made 4687  
to it by the superintendent, shall compel obedience by 4688  
attachment proceedings for contempt, as in the case of 4689  
disobedience of the requirements of a subpoena issued from the 4690  
court or a refusal to testify therein. 4691



(D) If the superintendent determines that a person is engaged in or is believed to be engaged in activities that may constitute a violation of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter or any rule adopted thereunder, the superintendent, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, may issue a cease and desist order. If the administrative action is to enjoin a person from acting as a mortgage lender, mortgage broker, or mortgage loan originator in violation of division (A) or (B) of section ~~1322.02-1322.07~~ of the Revised Code, the 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 4721  
or licensee who fails to comply with a request made by the 4722  
superintendent under section ~~1322.03~~ 1322.09 or ~~1322.031~~ 1322.20 4723  
of the Revised Code to inspect qualifying education transcripts 4724  
located at the registrant's or licensee's place of business. 4725

(2) The superintendent may, in accordance with Chapter 4726  
119. of the Revised Code, subsequently revoke any registration 4727  
or license suspended under division (F) (1) of this section. 4728

~~(3) The superintendent shall, in accordance with Chapter~~ 4729  
~~119. of the Revised Code, adopt rules establishing the maximum~~ 4730  
~~amount of time a suspension under division (F) (1) of this~~ 4731  
~~section may continue before a hearing is conducted.~~ 4732

(G) The imposition of fines under this section does not 4733  
preclude any penalty imposed under section 1322.99 of the 4734  
Revised Code. 4735

**Sec. ~~1322.101~~ 1322.51.** On receipt of a notice pursuant to 4736  
section 3123.43 of the Revised Code, the division of financial 4737  
institutions shall comply with sections 3123.41 to 3123.50 of 4738  
the Revised Code and any applicable rules adopted under section 4739  
3123.63 of the Revised Code with respect to a certificate or 4740  
license issued pursuant to this chapter. 4741

**Sec. ~~1322.11~~ 1322.52.** (A) (1) A buyer injured by a 4742  
violation of section ~~1322.02, 1322.062, 1322.063, 1322.064,~~ 4743  
~~1322.07, 1322.071, 1322.08, or 1322.09~~ 1322.40, or 1322.46 of 4744  
the Revised Code may bring an action for recovery of damages. 4745

(2) Damages awarded under division (A) (1) of this section 4746  
shall not be less than all compensation paid directly and 4747  
indirectly to a ~~mortgage broker~~ registrant or mortgage loan 4748  
originator from any source, plus reasonable attorney's fees and 4749

court costs. 4750

(3) The buyer may be awarded punitive damages. 4751

(B) (1) The superintendent of financial institutions or a 4752  
buyer may directly bring an action to enjoin a violation of 4753  
~~sections 1322.01 to 1322.12 of the Revised Code~~ any provision of 4754  
this chapter. The attorney general may directly bring an action 4755  
to enjoin a violation of ~~sections 1322.01 to 1322.12 of the~~ 4756  
~~Revised Code~~ any provision of this chapter with the same rights, 4757  
privileges, and powers as those described in section 1345.06 of 4758  
the Revised Code. The prosecuting attorney of the county in 4759  
which the action may be brought may bring an action to enjoin a 4760  
violation of ~~sections 1322.01 to 1322.12 of the Revised Code~~ any 4761  
provision of this chapter only if the prosecuting attorney first 4762  
presents any evidence of the violation to the attorney general 4763  
and, within a reasonable period of time, the attorney general 4764  
has not agreed to bring the action. 4765

(2) The superintendent may initiate criminal proceedings 4766  
under ~~sections 1322.01 to 1322.12 of the Revised Code~~ this 4767  
chapter by presenting any evidence of criminal violation to the 4768  
prosecuting attorney of the county in which the offense may be 4769  
prosecuted. If the prosecuting attorney does not prosecute the 4770  
violations, or at the request of the prosecuting attorney, the 4771  
superintendent shall present any evidence of criminal violations 4772  
to the attorney general, who may proceed in the prosecution with 4773  
all the rights, privileges, and powers conferred by law on 4774  
prosecuting attorneys, including the power to appear before 4775  
grand juries and to interrogate witnesses before such grand 4776  
juries. These powers of the attorney general shall be in 4777  
addition to any other applicable powers of the attorney general. 4778

(3) The prosecuting attorney of the county in which an 4779

alleged offense may be prosecuted may initiate criminal 4780  
proceedings under ~~sections 1322.01 to 1322.12 of the Revised~~ 4781  
~~Code~~ this chapter. 4782

(4) In order to initiate criminal proceedings under 4783  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter, 4784  
the attorney general shall first present any evidence of 4785  
criminal violations to the prosecuting attorney of the county in 4786  
which the alleged offense may be prosecuted. If, within a 4787  
reasonable period of time, the prosecuting attorney has not 4788  
agreed to prosecute the violations, the attorney general may 4789  
proceed in the prosecution with all the rights, privileges, and 4790  
powers described in division (B) (2) of this section. 4791

(5) When a judgment under this section becomes final, the 4792  
clerk of court shall mail a copy of the judgment, including 4793  
supporting opinions, to the superintendent. 4794

(C) The remedies provided by this section are in addition 4795  
to any other remedy provided by law. 4796

(D) In any proceeding or action brought under ~~sections~~ 4797  
~~1322.01 to 1322.12 of the Revised Code~~ this chapter, the burden 4798  
of proving an exemption under those sections is on the person 4799  
claiming the benefit of the exemption. 4800

(E) No person shall be deemed to violate ~~sections 1322.01~~ 4801  
~~to 1322.12 of the Revised Code~~ any provision of this chapter 4802  
with respect to any act taken or omission made in reliance on a 4803  
written notice, written interpretation, or written report from 4804  
the superintendent, unless there is a subsequent amendment to 4805  
those ~~sections~~ provisions, or rules promulgated thereunder, that 4806  
affects the superintendent's notice, interpretation, or report. 4807

(F) Upon disbursement of mortgage loan proceeds to or on 4808

behalf of the buyer, the registrant that assisted the buyer to 4809  
obtain the mortgage loan is deemed to have completed the 4810  
performance of the registrant's services for the buyer and owes 4811  
no additional duties or obligations to the buyer with respect to 4812  
the mortgage loan. However, nothing in this division shall be 4813  
construed to limit or preclude the civil or criminal liability 4814  
of a registrant for failing to comply with ~~sections 1322.01 to~~ 4815  
~~1322.12 of the Revised Code~~ this chapter or any rule adopted 4816  
under ~~those sections~~ this chapter, for failing to comply with 4817  
any provision of or duty arising under an agreement with a buyer 4818  
or lender under ~~sections 1322.01 to 1322.12 of the Revised Code~~ 4819  
this chapter, or for violating any other provision of state or 4820  
federal law. 4821

(G) A buyer injured by a violation of any of the sections 4822  
specified in division (A) (1) of this section is precluded from 4823  
recovering any damages, plus reasonable attorney's fees and 4824  
costs, if the buyer has also recovered any damages in a cause of 4825  
action initiated under section ~~1322.081-1322.45~~ 1322.45 of the Revised 4826  
Code and the recovery of damages for a violation of any of the 4827  
sections specified in division (A) (1) of this section is based 4828  
on the same acts or circumstances as the basis for recovery of 4829  
damages in section ~~1322.081-1322.45~~ 1322.45 of the Revised Code. 4830

**Sec. ~~1322.025~~ 1322.55.** (A) Notwithstanding any provision 4831  
of ~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter, 4832  
or any rule adopted thereunder, if the "Secure and Fair 4833  
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 4834  
12 U.S.C. 5101, as amended, is modified after ~~the effective date~~ 4835  
~~of this section~~ October 16, 2009, or any regulation, statement, 4836  
or position is adopted under that act, and the item modified or 4837  
adopted affects any matter within the scope of ~~sections 1322.01~~ 4838  
~~to 1322.12 of the Revised Code~~ this chapter, the superintendent 4839

of financial institutions may by rule adopt a similar provision. 4840

(B) The superintendent shall adopt the rules authorized by 4841  
this section in accordance with section 111.15 of the Revised 4842  
Code. Chapter 119. of the Revised Code does not apply to rules 4843  
adopted under the authority of this section. 4844

(C) A rule adopted by the superintendent under the 4845  
authority of this section is effective on the later of the 4846  
following dates: 4847

(1) The date the superintendent issues the rule; 4848

(2) The date the regulation, rule, interpretation, 4849  
procedure, or guideline the superintendent's rule is based on 4850  
becomes effective. 4851

(D) The superintendent may, upon thirty days' written 4852  
notice, revoke any rule adopted under the authority of this 4853  
section. A rule adopted under the authority of this section, and 4854  
not revoked by the superintendent, lapses and has no further 4855  
force and effect eighteen months after the rule's effective 4856  
date. 4857

Sec. 1322.56. The superintendent of financial institutions 4858  
may adopt, in accordance with Chapter 119. of the Revised Code, 4859  
any rule necessary to comply with the requirements of the 4860  
nationwide mortgage licensing system and registry, including 4861  
requirements pertaining to all of the following: 4862

(A) Payment of nonrefundable fees to apply for, maintain, 4863  
and renew licenses through the nationwide mortgage licensing 4864  
system and registry; 4865

(B) Renewal or reporting dates; 4866

(C) Procedures to amend or to surrender a license; 4867

(D) Any other activity necessary for participation in the nationwide mortgage licensing system and registry. 4868  
4869

**Sec. ~~1322.12~~ 1322.57.** The superintendent of financial 4870  
institutions, in accordance with Chapter 119. of the Revised 4871  
Code, may adopt reasonable rules to administer and enforce 4872  
~~sections 1322.01 to 1322.12 of the Revised Code~~ this chapter and 4873  
to carry out the purposes of ~~those sections~~ this chapter. 4874

**Sec. 1322.99.** (A) (1) Whoever violates division (A) ~~(1) or~~ 4875  
~~(2)~~ of section ~~1322.02, 1322.07~~ or division (E), (F), or (G) of 4876  
section 1322.07, division (B) (1) or (2) of section 1322.071, or 4877  
~~section 1322.08-1322.40~~ of the Revised Code is guilty of a 4878  
felony of the fifth degree. 4879

~~(B) Whoever violates division (B) (3) of section 1322.071~~ 4880  
~~of the Revised Code is guilty of a felony of the fourth degree.~~ 4881

~~(C) (2)~~ Whoever violates division (B) ~~or (C) (1) or (2)~~ of 4882  
section ~~1322.02-1322.07~~ of the Revised Code is guilty of a 4883  
misdemeanor of the first degree. 4884

(B) The offenses established under divisions (A) and (B) 4885  
of section 1322.07 of the Revised Code are strict liability 4886  
offenses, and section 2901.20 of the Revised Code does not 4887  
apply. The designation of these offenses as strict liability 4888  
offenses shall not be construed to imply that any other offense 4889  
for which there is no specified degree of culpability, whether 4890  
in this section or another section of the Revised Code, is not a 4891  
strict liability offense. 4892

**Sec. 1329.71.** (A) As used in this section, "financial 4893  
institution" means any bank, savings and loan association, 4894  
savings bank, or credit union; any affiliate or subsidiary of a 4895  
bank, savings and loan association, savings bank, or credit 4896

union; ~~or~~ any registrant as defined in section 1321.51 of the 4897  
Revised Code; or any person registered as a mortgage lender 4898  
under Chapter 1322. of the Revised Code. 4899

(B) Any financial institution may proceed by suit to 4900  
enjoin the use of the financial institution's name or logo in 4901  
connection with the sale, offering for sale, distribution, or 4902  
advertising of any product or service without the express 4903  
written consent of the financial institution, if such use is 4904  
misleading or deceptive as to the source of origin or 4905  
sponsorship of, or the affiliation with, the product or service. 4906  
Any court of competent jurisdiction may grant injunctions to 4907  
restrain such use as the court considers just and reasonable and 4908  
may require the defendants to pay to the financial institution 4909  
all profits derived from and all damages suffered by reason of 4910  
the wrongful use of the name or logo. 4911

(C) Notwithstanding division (B) of this section, the only 4912  
remedies that are available for the wrongful use of a financial 4913  
institution's name or logo by a registrant or licensee under 4914  
~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code 4915  
are those set forth in section ~~1322.10~~ 1322.50 of the Revised 4916  
Code or otherwise provided by statute or common law. 4917

(D) The provisions of this section are not intended to be 4918  
exclusive remedies and do not preclude the use of any other 4919  
remedy provided by law. 4920

**Sec. 1335.02.** (A) As used in this section: 4921

(1) "Debtor" means a person that obtains credit or seeks a 4922  
loan agreement with a financial institution or owes money to a 4923  
financial institution. 4924

(2) "Financial institution" means ~~either~~ any of the 4925



following: 4926

(a) A federally or state-chartered bank, savings bank, 4927  
savings and loan association, or credit union, or a holding 4928  
company, subsidiary, or affiliate of a bank, savings bank, or 4929  
savings and loan association; 4930

(b) A licensee under sections 1321.01 to 1321.19 of the 4931  
Revised Code, or a registrant under sections 1321.51 to 1321.60 4932  
of the Revised Code, or a parent company, subsidiary, or 4933  
affiliate of a licensee or registrant; 4934

(c) A person registered as a mortgage lender under Chapter 4935  
1322. of the Revised Code or a parent company, subsidiary, or 4936  
affiliate of such a person. 4937

(3) "Loan agreement" means one or more promises, 4938  
promissory notes, agreements, undertakings, security agreements, 4939  
mortgages, or other documents or commitments, or any combination 4940  
of these documents or commitments, pursuant to which a financial 4941  
institution loans or delays, or agrees to loan or delay, 4942  
repayment of money, goods, or anything of value, or otherwise 4943  
extends credit or makes a financial accommodation. "Loan 4944  
agreement" does not include a promise, promissory note, 4945  
agreement, undertaking, or other document or commitment relating 4946  
to a credit card, a charge card, a revolving budget agreement 4947  
subject to section 1317.11 of the Revised Code, an open-end loan 4948  
agreement subject to section 1321.16 or 1321.58 of the Revised 4949  
Code, or an open-end credit agreement subject to section 1109.18 4950  
of the Revised Code. 4951

(B) No party to a loan agreement may bring an action on a 4952  
loan agreement unless the agreement is in writing and is signed 4953  
by the party against whom the action is brought or by the 4954

authorized representative of the party against whom the action 4955  
is brought. However, a loan agreement need not be signed by an 4956  
officer or other authorized representative of a financial 4957  
institution, if the loan agreement is in the form of a 4958  
promissory note or other document or commitment that describes 4959  
the credit or loan and the loan agreement, by its terms, 4960  
satisfies all of the following conditions: 4961

(1) The loan agreement is intended by the parties to be 4962  
signed by the debtor but not by an officer or other authorized 4963  
representative of the financial institution. 4964

(2) The loan agreement has been signed by the debtor. 4965

(3) The delivery of the loan agreement has been accepted 4966  
by the financial institution. 4967

(C) The terms of a loan agreement subject to this section, 4968  
including the rights and obligations of the parties to the loan 4969  
agreement, shall be determined solely from the written loan 4970  
agreement, and shall not be varied by any oral agreements that 4971  
are made or discussions that occur before or contemporaneously 4972  
with the execution of the loan agreement. Any prior oral 4973  
agreements between the parties are superseded by the loan 4974  
agreement. 4975

(D) This section does not apply to any loan agreement in 4976  
which the proceeds of the loan agreement are used by the debtor 4977  
primarily for personal, household, or family purposes and either 4978  
of the following applies: 4979

(1) The proceeds of the loan agreement are less than forty 4980  
thousand dollars; 4981

(2) A security interest securing the loan agreement is or 4982  
will be acquired in the primary residence of the debtor. 4983

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of 4984  
the Revised Code: 4985

(A) "Consumer transaction" means a sale, lease, 4986  
assignment, award by chance, or other transfer of an item of 4987  
goods, a service, a franchise, or an intangible, to an 4988  
individual for purposes that are primarily personal, family, or 4989  
household, or solicitation to supply any of these things. 4990  
"Consumer transaction" does not include transactions between 4991  
persons, defined in sections 4905.03 and 5725.01 of the Revised 4992  
Code, and their customers, except for transactions involving a 4993  
loan made pursuant to sections 1321.35 to 1321.48 of the Revised 4994  
Code and transactions in connection with residential mortgages 4995  
between loan officers, mortgage brokers, or nonbank mortgage 4996  
lenders and their customers; transactions involving a home 4997  
construction service contract as defined in section 4722.01 of 4998  
the Revised Code; transactions between certified public 4999  
accountants or public accountants and their clients; 5000  
transactions between attorneys, physicians, or dentists and 5001  
their clients or patients; and transactions between 5002  
veterinarians and their patients that pertain to medical 5003  
treatment but not ancillary services. 5004

(B) "Person" includes an individual, corporation, 5005  
government, governmental subdivision or agency, business trust, 5006  
estate, trust, partnership, association, cooperative, or other 5007  
legal entity. 5008

(C) "Supplier" means a seller, lessor, assignor, 5009  
franchisor, or other person engaged in the business of effecting 5010  
or soliciting consumer transactions, whether or not the person 5011  
deals directly with the consumer. If the consumer transaction is 5012  
in connection with a residential mortgage, "supplier" does not 5013

include an assignee or purchaser of the loan for value, except 5014  
as otherwise provided in section 1345.091 of the Revised Code. 5015  
For purposes of this division, in a consumer transaction in 5016  
connection with a residential mortgage, "seller" means a loan 5017  
officer, mortgage broker, or nonbank mortgage lender. 5018

(D) "Consumer" means a person who engages in a consumer 5019  
transaction with a supplier. 5020

(E) "Knowledge" means actual awareness, but such actual 5021  
awareness may be inferred where objective manifestations 5022  
indicate that the individual involved acted with such awareness. 5023

(F) "Natural gas service" means the sale of natural gas, 5024  
exclusive of any distribution or ancillary service. 5025

(G) "Public telecommunications service" means the 5026  
transmission by electromagnetic or other means, other than by a 5027  
telephone company as defined in section 4927.01 of the Revised 5028  
Code, of signs, signals, writings, images, sounds, messages, or 5029  
data originating in this state regardless of actual call 5030  
routing. "Public telecommunications service" excludes a system, 5031  
including its construction, maintenance, or operation, for the 5032  
provision of telecommunications service, or any portion of such 5033  
service, by any entity for the sole and exclusive use of that 5034  
entity, its parent, a subsidiary, or an affiliated entity, and 5035  
not for resale, directly or indirectly; the provision of 5036  
terminal equipment used to originate telecommunications service; 5037  
broadcast transmission by radio, television, or satellite 5038  
broadcast stations regulated by the federal government; or cable 5039  
television service. 5040

(H) (1) "Loan officer" means an individual who for 5041  
compensation or gain, or in anticipation of compensation or 5042

gain, takes or offers to take a residential mortgage loan 5043  
application; assists or offers to assist a buyer in obtaining or 5044  
applying to obtain a residential mortgage loan by, among other 5045  
things, advising on loan terms, including rates, fees, and other 5046  
costs; offers or negotiates terms of a residential mortgage 5047  
loan; or issues or offers to issue a commitment for a 5048  
residential mortgage loan. "Loan officer" also includes a 5049  
mortgage loan originator as defined in division ~~(E) (1)~~ (EE) of 5050  
section 1322.01 of the Revised Code. 5051

(2) "Loan officer" does not include an employee of a bank, 5052  
savings bank, savings and loan association, credit union, or 5053  
credit union service organization organized under the laws of 5054  
this state, another state, or the United States; an employee of 5055  
a subsidiary of such a bank, savings bank, savings and loan 5056  
association, or credit union; or an employee of an affiliate 5057  
that (a) controls, is controlled by, or is under common control 5058  
with, such a bank, savings bank, savings and loan association, 5059  
or credit union and (b) is subject to examination, supervision, 5060  
and regulation, including with respect to the affiliate's 5061  
compliance with applicable consumer protection requirements, by 5062  
the board of governors of the federal reserve system, the 5063  
comptroller of the currency, the office of thrift supervision, 5064  
the federal deposit insurance corporation, or the national 5065  
credit union administration. 5066

(I) "Residential mortgage" or "mortgage" means an 5067  
obligation to pay a sum of money evidenced by a note and secured 5068  
by a lien upon real property located within this state 5069  
containing two or fewer residential units or on which two or 5070  
fewer residential units are to be constructed and includes such 5071  
an obligation on a residential condominium or cooperative unit. 5072

(J) (1) "Mortgage broker" means any of the following: 5073

(a) A person that holds that person out as being able to 5074  
assist a buyer in obtaining a mortgage and charges or receives 5075  
from either the buyer or lender money or other valuable 5076  
consideration readily convertible into money for providing this 5077  
assistance; 5078

(b) A person that solicits financial and mortgage 5079  
information from the public, provides that information to a 5080  
mortgage broker or a person that makes residential mortgage 5081  
loans, and charges or receives from either of them money or 5082  
other valuable consideration readily convertible into money for 5083  
providing the information; 5084

(c) A person engaged in table-funding or warehouse-lending 5085  
mortgage loans that are residential mortgage loans. 5086

(2) "Mortgage broker" does not include a bank, savings 5087  
bank, savings and loan association, credit union, or credit 5088  
union service organization organized under the laws of this 5089  
state, another state, or the United States; a subsidiary of such 5090  
a bank, savings bank, savings and loan association, or credit 5091  
union; an affiliate that (a) controls, is controlled by, or is 5092  
under common control with, such a bank, savings bank, savings 5093  
and loan association, or credit union and (b) is subject to 5094  
examination, supervision, and regulation, including with respect 5095  
to the affiliate's compliance with applicable consumer 5096  
protection requirements, by the board of governors of the 5097  
federal reserve system, the comptroller of the currency, the 5098  
office of thrift supervision, the federal deposit insurance 5099  
corporation, or the national credit union administration; or an 5100  
employee of any such entity. 5101

(K) "Nonbank mortgage lender" means any person that 5102  
engages in a consumer transaction in connection with a 5103  
residential mortgage, except for a bank, savings bank, savings 5104  
and loan association, credit union, or credit union service 5105  
organization organized under the laws of this state, another 5106  
state, or the United States; a subsidiary of such a bank, 5107  
savings bank, savings and loan association, or credit union; or 5108  
an affiliate that (1) controls, is controlled by, or is under 5109  
common control with, such a bank, savings bank, savings and loan 5110  
association, or credit union and (2) is subject to examination, 5111  
supervision, and regulation, including with respect to the 5112  
affiliate's compliance with applicable consumer protection 5113  
requirements, by the board of governors of the federal reserve 5114  
system, the comptroller of the currency, the office of thrift 5115  
supervision, the federal deposit insurance corporation, or the 5116  
national credit union administration. 5117

(L) For purposes of divisions (H), (J), and (K) of this 5118  
section: 5119

(1) "Control" of another entity means ownership, control, 5120  
or power to vote twenty-five per cent or more of the outstanding 5121  
shares of any class of voting securities of the other entity, 5122  
directly or indirectly or acting through one or more other 5123  
persons. 5124

(2) "Credit union service organization" means a CUSO as 5125  
defined in 12 C.F.R. 702.2. 5126

**Sec. 1349.27.** A creditor shall not do any of the 5127  
following: 5128

(A) Make a covered loan that includes any of the 5129  
following: 5130

(1) Terms under which a consumer must pay a prepayment penalty for paying all or part of the principal before the date on which the principal is due. For purposes of division (A) (1) of this section, any method of computing a refund of unearned scheduled interest is a prepayment penalty if it is less favorable to the consumer than the actuarial method.

Division (A) (1) of this section does not apply to a prepayment penalty imposed in accordance with section 129(c) (2) of the "Home Ownership and Equity Protection Act of 1994," 108 Stat. 2190, 15 U.S.C.A. 1639(c) (2), as amended, and the regulations adopted thereunder by the federal reserve board, as amended.

(2) Terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of interest due;

(3) Terms under which more than two periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the consumer;

(4) Terms under which a rebate of interest arising from a loan acceleration due to default is calculated by a method less favorable than the actuarial method.

(B) Make a covered loan that provides for an interest rate applicable after default that is higher than the interest rate that applies before default;

(C) Make a covered loan having a term of less than five years that includes terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance. This division does not apply to



any covered loan with a maturity of less than one year, if the 5160  
purpose of the loan is a "bridge" loan connected with the 5161  
acquisition or construction of a dwelling intended to become the 5162  
consumer's principal dwelling. 5163

(D) Engage in a pattern or practice of extending credit to 5164  
consumers under covered loans based on the consumers' collateral 5165  
without regard to the consumers' repayment ability, including 5166  
the consumers' current and expected income, current obligations, 5167  
and employment; 5168

(E) Make a payment to a contractor under a home 5169  
improvement contract from amounts extended as credit under a 5170  
covered loan, except in either of the following ways: 5171

(1) By an instrument that is payable to the consumer or 5172  
jointly to the consumer and the contractor; 5173

(2) At the election of the consumer, by a third party 5174  
escrow agent in accordance with terms established in a written 5175  
agreement signed by the consumer, the creditor, and the 5176  
contractor before the date of payment. 5177

(F) On or after October 1, 2002, make a covered loan that 5178  
includes a demand feature that permits the creditor to terminate 5179  
the loan in advance of the original maturity date and to demand 5180  
repayment of the entire outstanding balance, except in any of 5181  
the following circumstances: 5182

(1) There is fraud or material misrepresentation by the 5183  
consumer in connection with the loan. 5184

(2) The consumer fails to meet the repayment terms of the 5185  
agreement for any outstanding balance. 5186

(3) There is any action or inaction by the consumer that 5187

adversely affects the creditor's security for the loan or any right of the creditor in that security. 5188  
5189

(G) (1) Within one year after having made a covered loan, 5190  
refinance a covered loan to the same borrower into another 5191  
covered loan, unless the refinancing is in the consumer's 5192  
interest. An assignee holding or servicing a covered loan shall 5193  
not, for the remainder of the one-year period following the date 5194  
of origination of the covered loan, refinance any covered loan 5195  
to the same consumer into another covered loan, unless the 5196  
refinancing is in the consumer's interest. 5197

A creditor or assignee shall not engage in acts or 5198  
practices to evade division (G) (1) of this section, including a 5199  
pattern or practice of arranging for the refinancing of its own 5200  
loans by affiliated or unaffiliated creditors, or modifying a 5201  
loan agreement, whether or not the existing loan is satisfied 5202  
and replaced by the new loan, and charging a fee. 5203

(2) Division (G) (1) of this section shall apply on and 5204  
after October 1, 2002. 5205

~~(H) Make a covered loan without first obtaining a copy of 5206  
the mortgage loan origination disclosure statement that was 5207  
delivered to the buyer in accordance with division (A) (1) of 5208  
section 1322.062 of the Revised Code; 5209~~

~~(I) Finance, directly or indirectly, into a covered loan 5210  
or finance to the same borrower within thirty days of a covered 5211  
loan any credit life or credit disability insurance premiums 5212  
sold in connection with the covered loan, provided that any 5213  
credit life or credit disability insurance premiums calculated 5214  
and paid on a monthly or other periodic basis shall not be 5215  
considered financed by the person originating the loan. For 5216~~

purposes of this division, credit life or credit disability insurance does not include a contract issued by a government agency or private mortgage insurance company to insure the lender against loss caused by a mortgagor's default.

~~(J)~~ (I) Replace or consolidate a zero interest rate or other low-rate loan made by a governmental or nonprofit lender with a covered loan within the first ten years of the low-rate loan unless the current holder of the loan consents in writing to the refinancing. For purposes of this division, a "low-rate loan" means a loan that carries a current interest rate two percentage points or more below the current yield on United States treasury securities with a comparable maturity. If the loan's current interest rate is either a discounted introductory rate or a rate that automatically steps up over time, the fully indexed rate or the fully stepped-up rate, as applicable, shall be used, in lieu of the current rate, to determine whether a loan is a low-rate loan.

~~(K)~~ (J) Make a covered loan if, at the time the loan was consummated, the consumer's total monthly debt, including amounts owed under the loan, exceed fifty per cent of the consumer's monthly gross income, as verified by the credit application, the consumer's financial statement, a credit report, financial information provided to the person originating the loan by or on behalf of the consumer, or any other reasonable means, unless the consumer submits both of the following:

(1) Verification that the consumer received prepurchase counseling from a counseling service that meets the criteria established by the superintendent of financial institutions under section 1349.271 of the Revised Code;

(2) A disclosure, signed by the consumer, that 5247  
acknowledges the risk of entering into such a loan. 5248

**Sec. 1349.43.** (A) As used in this section, "loan officer," 5249  
"mortgage broker," and "nonbank mortgage lender" have the same 5250  
meanings as in section 1345.01 of the Revised Code. 5251

(B) The department of commerce shall establish and 5252  
maintain an electronic database accessible through the internet 5253  
that contains information on all of the following: 5254

(1) The enforcement actions taken by the superintendent of 5255  
financial institutions for each violation of or failure to 5256  
comply with any provision of ~~sections 1322.01 to 1322.12~~ Chapter 5257  
1322. of the Revised Code, upon final disposition of the action; 5258

(2) The enforcement actions taken by the attorney general 5259  
under Chapter 1345. of the Revised Code against loan officers, 5260  
mortgage brokers, and nonbank mortgage lenders, upon final 5261  
disposition of each action; 5262

(3) All judgments by courts of this state, concerning 5263  
which appellate remedies have been exhausted or lost by the 5264  
expiration of the time for appeal, finding either of the 5265  
following: 5266

(a) A violation of any provision of ~~sections 1322.01 to~~ 5267  
~~1322.12~~ Chapter 1322. of the Revised Code; 5268

(b) That specific acts or practices by a loan officer, 5269  
mortgage broker, or nonbank mortgage lender violate section 5270  
1345.02, 1345.03, or 1345.031 of the Revised Code. 5271

(C) The attorney general shall notify the department of 5272  
all enforcement actions and judgments described in divisions (B) 5273  
(2) and (3)(b) of this section. 5274

(D) The department may adopt rules in accordance with 5275  
Chapter 119. of the Revised Code that are necessary to implement 5276  
this section. 5277

(E) The electronic database maintained by the department 5278  
in accordance with this section shall not include information 5279  
that, pursuant to section ~~1322.061~~1322.36 of the Revised Code, 5280  
is confidential. 5281

**Sec. 1349.44.** (A) The superintendent of financial 5282  
institutions shall report semiannually to the governor and the 5283  
general assembly on the operations of the division of financial 5284  
institutions with respect to the following: 5285

(1) Enforcement actions instituted by the superintendent 5286  
for a violation of or failure to comply with any provision of 5287  
~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code, 5288  
and their final dispositions; 5289

(2) Suspensions, revocations, or refusals to issue or 5290  
renew certificates of registration and licenses under ~~sections~~ 5291  
~~1322.01 to 1322.12~~ Chapter 1322. of the Revised Code; 5292

(3) Outreach efforts of the office of consumer affairs to 5293  
provide education regarding predatory lending, borrowing, and 5294  
related financial topics. 5295

(B) The information required under divisions (A) (1) and 5296  
(2) of this section does not include information that, pursuant 5297  
to section ~~1322.061~~1322.36 of the Revised Code, is 5298  
confidential. 5299

**Sec. 1349.45.** (A) As used in this section, "financial 5300  
institution" means any bank, savings and loan association, 5301  
savings bank, or credit union; any affiliate or subsidiary of a 5302  
bank, savings and loan association, savings bank, or credit 5303

union; ~~or~~ any registrant as defined in section 1321.51 of the 5304  
Revised Code; or any person registered as a mortgage lender 5305  
under Chapter 1322. of the Revised Code. 5306

(B) No person shall use the name or logo of any financial 5307  
institution in connection with the sale, offering for sale, 5308  
distribution, or advertising of any product or service without 5309  
the express written consent of the financial institution, if 5310  
such use is misleading or deceptive as to the source of origin 5311  
or sponsorship of, or the affiliation with, the product or 5312  
service. 5313

**Sec. 1349.99.** (A) Whoever violates section 1349.06 or 5314  
1349.17 of the Revised Code is guilty of a minor misdemeanor. 5315

(B) (1) Whoever violates section 1349.45 of the Revised 5316  
Code is guilty of a misdemeanor of the first degree. 5317

(2) Notwithstanding division (B) (1) of this section, the 5318  
only remedies that are available for a violation of section 5319  
1349.45 of the Revised Code by a registrant or licensee under 5320  
~~sections 1322.01 to 1322.12 Chapter 1322.~~ of the Revised Code 5321  
are those set forth in section ~~1322.10~~ 1322.50 of the Revised 5322  
Code or otherwise provided by statute or common law. 5323

(3) The provisions of division (B) of this section are not 5324  
intended to be exclusive remedies and do not preclude the use of 5325  
any other remedy provided by law. 5326

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of 5327  
the Revised Code: 5328

(A) "Beneficial interest" means any of the following: 5329

(1) The interest of a person as a beneficiary under a 5330  
trust in which the trustee holds title to personal or real 5331

property; 5332

(2) The interest of a person as a beneficiary under any 5333  
other trust arrangement under which any other person holds title 5334  
to personal or real property for the benefit of such person; 5335

(3) The interest of a person under any other form of 5336  
express fiduciary arrangement under which any other person holds 5337  
title to personal or real property for the benefit of such 5338  
person. 5339

"Beneficial interest" does not include the interest of a 5340  
stockholder in a corporation or the interest of a partner in 5341  
either a general or limited partnership. 5342

(B) "Costs of investigation and prosecution" and "costs of 5343  
investigation and litigation" mean all of the costs incurred by 5344  
the state or a county or municipal corporation under sections 5345  
2923.31 to 2923.36 of the Revised Code in the prosecution and 5346  
investigation of any criminal action or in the litigation and 5347  
investigation of any civil action, and includes, but is not 5348  
limited to, the costs of resources and personnel. 5349

(C) "Enterprise" includes any individual, sole 5350  
proprietorship, partnership, limited partnership, corporation, 5351  
trust, union, government agency, or other legal entity, or any 5352  
organization, association, or group of persons associated in 5353  
fact although not a legal entity. "Enterprise" includes illicit 5354  
as well as licit enterprises. 5355

(D) "Innocent person" includes any bona fide purchaser of 5356  
property that is allegedly involved in a violation of section 5357  
2923.32 of the Revised Code, including any person who 5358  
establishes a valid claim to or interest in the property in 5359  
accordance with division (E) of section 2981.04 of the Revised 5360

Code, and any victim of an alleged violation of that section or 5361  
of any underlying offense involved in an alleged violation of 5362  
that section. 5363

(E) "Pattern of corrupt activity" means two or more 5364  
incidents of corrupt activity, whether or not there has been a 5365  
prior conviction, that are related to the affairs of the same 5366  
enterprise, are not isolated, and are not so closely related to 5367  
each other and connected in time and place that they constitute 5368  
a single event. 5369

At least one of the incidents forming the pattern shall 5370  
occur on or after January 1, 1986. Unless any incident was an 5371  
aggravated murder or murder, the last of the incidents forming 5372  
the pattern shall occur within six years after the commission of 5373  
any prior incident forming the pattern, excluding any period of 5374  
imprisonment served by any person engaging in the corrupt 5375  
activity. 5376

For the purposes of the criminal penalties that may be 5377  
imposed pursuant to section 2923.32 of the Revised Code, at 5378  
least one of the incidents forming the pattern shall constitute 5379  
a felony under the laws of this state in existence at the time 5380  
it was committed or, if committed in violation of the laws of 5381  
the United States or of any other state, shall constitute a 5382  
felony under the law of the United States or the other state and 5383  
would be a criminal offense under the law of this state if 5384  
committed in this state. 5385

(F) "Pecuniary value" means money, a negotiable 5386  
instrument, a commercial interest, or anything of value, as 5387  
defined in section 1.03 of the Revised Code, or any other 5388  
property or service that has a value in excess of one hundred 5389  
dollars. 5390



(G) "Person" means any person, as defined in section 1.59 of the Revised Code, and any governmental officer, employee, or entity.

(H) "Personal property" means any personal property, any interest in personal property, or any right, including, but not limited to, bank accounts, debts, corporate stocks, patents, or copyrights. Personal property and any beneficial interest in personal property are deemed to be located where the trustee of the property, the personal property, or the instrument evidencing the right is located.

(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; 5420  
division (C), (D), or (E) of section 4719.07; section 4719.08; 5421  
or division (A) of section 4719.09 of the Revised Code. 5422

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 5423  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 5424  
any violation of section 2915.02 of the Revised Code that occurs 5425  
on or after July 1, 1996, and that, had it occurred prior to 5426  
that date, would have been a violation of section 3769.11 of the 5427  
Revised Code as it existed prior to that date, or any violation 5428  
of section 2915.05 of the Revised Code that occurs on or after 5429  
July 1, 1996, and that, had it occurred prior to that date, 5430  
would have been a violation of section 3769.15, 3769.16, or 5431  
3769.19 of the Revised Code as it existed prior to that date. 5432

(c) Any violation of section 2907.21, 2907.22, 2907.31, 5433  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 5434  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 5435  
of the Revised Code, any violation of section 2925.11 of the 5436  
Revised Code that is a felony of the first, second, third, or 5437  
fourth degree and that occurs on or after July 1, 1996, any 5438  
violation of section 2915.02 of the Revised Code that occurred 5439  
prior to July 1, 1996, any violation of section 2915.02 of the 5440  
Revised Code that occurs on or after July 1, 1996, and that, had 5441  
it occurred prior to that date, would not have been a violation 5442  
of section 3769.11 of the Revised Code as it existed prior to 5443  
that date, any violation of section 2915.06 of the Revised Code 5444  
as it existed prior to July 1, 1996, or any violation of 5445  
division (B) of section 2915.05 of the Revised Code as it exists 5446  
on and after July 1, 1996, when the proceeds of the violation, 5447  
the payments made in the violation, the amount of a claim for 5448  
payment or for any other benefit that is false or deceptive and 5449  
that is involved in the violation, or the value of the 5450

contraband or other property illegally possessed, sold, or 5451  
purchased in the violation exceeds one thousand dollars, or any 5452  
combination of violations described in division (I) (2) (c) of 5453  
this section when the total proceeds of the combination of 5454  
violations, payments made in the combination of violations, 5455  
amount of the claims for payment or for other benefits that is 5456  
false or deceptive and that is involved in the combination of 5457  
violations, or value of the contraband or other property 5458  
illegally possessed, sold, or purchased in the combination of 5459  
violations exceeds one thousand dollars; 5460

(d) Any violation of section 5743.112 of the Revised Code 5461  
when the amount of unpaid tax exceeds one hundred dollars; 5462

(e) Any violation or combination of violations of section 5463  
2907.32 of the Revised Code involving any material or 5464  
performance containing a display of bestiality or of sexual 5465  
conduct, as defined in section 2907.01 of the Revised Code, that 5466  
is explicit and depicted with clearly visible penetration of the 5467  
genitals or clearly visible penetration by the penis of any 5468  
orifice when the total proceeds of the violation or combination 5469  
of violations, the payments made in the violation or combination 5470  
of violations, or the value of the contraband or other property 5471  
illegally possessed, sold, or purchased in the violation or 5472  
combination of violations exceeds one thousand dollars; 5473

(f) Any combination of violations described in division 5474  
(I) (2) (c) of this section and violations of section 2907.32 of 5475  
the Revised Code involving any material or performance 5476  
containing a display of bestiality or of sexual conduct, as 5477  
defined in section 2907.01 of the Revised Code, that is explicit 5478  
and depicted with clearly visible penetration of the genitals or 5479  
clearly visible penetration by the penis of any orifice when the 5480

total proceeds of the combination of violations, payments made 5481  
in the combination of violations, amount of the claims for 5482  
payment or for other benefits that is false or deceptive and 5483  
that is involved in the combination of violations, or value of 5484  
the contraband or other property illegally possessed, sold, or 5485  
purchased in the combination of violations exceeds one thousand 5486  
dollars; 5487

(g) Any violation of section 2905.32 of the Revised Code 5488  
to the extent the violation is not based solely on the same 5489  
conduct that constitutes corrupt activity pursuant to division 5490  
(I) (2) (c) of this section due to the conduct being in violation 5491  
of section 2907.21 of the Revised Code. 5492

(3) Conduct constituting a violation of any law of any 5493  
state other than this state that is substantially similar to the 5494  
conduct described in division (I) (2) of this section, provided 5495  
the defendant was convicted of the conduct in a criminal 5496  
proceeding in the other state; 5497

(4) Animal or ecological terrorism; 5498

(5) (a) Conduct constituting any of the following: 5499

(i) Organized retail theft; 5500

(ii) Conduct that constitutes one or more violations of 5501  
any law of any state other than this state, that is 5502  
substantially similar to organized retail theft, and that if 5503  
committed in this state would be organized retail theft, if the 5504  
defendant was convicted of or pleaded guilty to the conduct in a 5505  
criminal proceeding in the other state. 5506

(b) By enacting division (I) (5) (a) of this section, it is 5507  
the intent of the general assembly to add organized retail theft 5508  
and the conduct described in division (I) (5) (a) (ii) of this 5509

section as conduct constituting corrupt activity. The enactment 5510  
of division (I) (5) (a) of this section and the addition by 5511  
division (I) (5) (a) of this section of organized retail theft and 5512  
the conduct described in division (I) (5) (a) (ii) of this section 5513  
as conduct constituting corrupt activity does not limit or 5514  
preclude, and shall not be construed as limiting or precluding, 5515  
any prosecution for a violation of section 2923.32 of the 5516  
Revised Code that is based on one or more violations of section 5517  
2913.02 or 2913.51 of the Revised Code, one or more similar 5518  
offenses under the laws of this state or any other state, or any 5519  
combination of any of those violations or similar offenses, even 5520  
though the conduct constituting the basis for those violations 5521  
or offenses could be construed as also constituting organized 5522  
retail theft or conduct of the type described in division (I) (5) 5523  
(a) (ii) of this section. 5524

(J) "Real property" means any real property or any 5525  
interest in real property, including, but not limited to, any 5526  
lease of, or mortgage upon, real property. Real property and any 5527  
beneficial interest in it is deemed to be located where the real 5528  
property is located. 5529

(K) "Trustee" means any of the following: 5530

(1) Any person acting as trustee under a trust in which 5531  
the trustee holds title to personal or real property; 5532

(2) Any person who holds title to personal or real 5533  
property for which any other person has a beneficial interest; 5534

(3) Any successor trustee. 5535

"Trustee" does not include an assignee or trustee for an 5536  
insolvent debtor or an executor, administrator, administrator 5537  
with the will annexed, testamentary trustee, guardian, or 5538

committee, appointed by, under the control of, or accountable to 5539  
a court. 5540

(L) "Unlawful debt" means any money or other thing of 5541  
value constituting principal or interest of a debt that is 5542  
legally unenforceable in this state in whole or in part because 5543  
the debt was incurred or contracted in violation of any federal 5544  
or state law relating to the business of gambling activity or 5545  
relating to the business of lending money at an usurious rate 5546  
unless the creditor proves, by a preponderance of the evidence, 5547  
that the usurious rate was not intentionally set and that it 5548  
resulted from a good faith error by the creditor, 5549  
notwithstanding the maintenance of procedures that were adopted 5550  
by the creditor to avoid an error of that nature. 5551

(M) "Animal activity" means any activity that involves the 5552  
use of animals or animal parts, including, but not limited to, 5553  
hunting, fishing, trapping, traveling, camping, the production, 5554  
preparation, or processing of food or food products, clothing or 5555  
garment manufacturing, medical research, other research, 5556  
entertainment, recreation, agriculture, biotechnology, or 5557  
service activity that involves the use of animals or animal 5558  
parts. 5559

(N) "Animal facility" means a vehicle, building, 5560  
structure, nature preserve, or other premises in which an animal 5561  
is lawfully kept, handled, housed, exhibited, bred, or offered 5562  
for sale, including, but not limited to, a zoo, rodeo, circus, 5563  
amusement park, hunting preserve, or premises in which a horse 5564  
or dog event is held. 5565

(O) "Animal or ecological terrorism" means the commission 5566  
of any felony that involves causing or creating a substantial 5567  
risk of physical harm to any property of another, the use of a 5568

deadly weapon or dangerous ordnance, or purposely, knowingly, or 5569  
recklessly causing serious physical harm to property and that 5570  
involves an intent to obstruct, impede, or deter any person from 5571  
participating in a lawful animal activity, from mining, 5572  
forestry, harvesting, gathering, or processing natural 5573  
resources, or from being lawfully present in or on an animal 5574  
facility or research facility. 5575

(P) "Research facility" means a place, laboratory, 5576  
institution, medical care facility, government facility, or 5577  
public or private educational institution in which a scientific 5578  
test, experiment, or investigation involving the use of animals 5579  
or other living organisms is lawfully carried out, conducted, or 5580  
attempted. 5581

(Q) "Organized retail theft" means the theft of retail 5582  
property with a retail value of one thousand dollars or more 5583  
from one or more retail establishments with the intent to sell, 5584  
deliver, or transfer that property to a retail property fence. 5585

(R) "Retail property" means any tangible personal property 5586  
displayed, held, stored, or offered for sale in or by a retail 5587  
establishment. 5588

(S) "Retail property fence" means a person who possesses, 5589  
procures, receives, or conceals retail property that was 5590  
represented to the person as being stolen or that the person 5591  
knows or believes to be stolen. 5592

(T) "Retail value" means the full retail value of the 5593  
retail property. In determining whether the retail value of 5594  
retail property equals or exceeds one thousand dollars, the 5595  
value of all retail property stolen from the retail 5596  
establishment or retail establishments by the same person or 5597

persons within any one-hundred-eighty-day period shall be 5598  
aggregated. 5599

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of 5600  
the Revised Code: 5601

(A) "Buyer" means an individual who is solicited to 5602  
purchase or who purchases the services of a credit services 5603  
organization for purposes other than obtaining a business loan 5604  
as described in division (B) (6) of section 1343.01 of the 5605  
Revised Code. 5606

(B) "Consumer reporting agency" has the same meaning as in 5607  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 5608  
1681a, as amended. 5609

(C) (1) "Credit services organization" means any person 5610  
that, in return for the payment of money or other valuable 5611  
consideration readily convertible into money for the following 5612  
services, sells, provides, or performs, or represents that the 5613  
person can or will sell, provide, or perform, one or more of the 5614  
following services: 5615

(a) Improving a buyer's credit record, history, or rating; 5616

(b) Obtaining an extension of credit by others for a 5617  
buyer; 5618

(c) Providing advice or assistance to a buyer in 5619  
connection with division (C) (1) (a) or (b) of this section; 5620

(d) Removing adverse credit information that is accurate 5621  
and not obsolete from the buyer's credit record, history, or 5622  
rating; 5623

(e) Altering the buyer's identification to prevent the 5624  
display of the buyer's credit record, history, or rating. 5625



- (2) "Credit services organization" does not include any of the following:
- (a) A person that makes or collects loans, to the extent these activities are subject to licensure or registration by this state;
  - (b) A mortgage broker, as defined in section 1322.01 of the Revised Code, that holds a valid certificate of registration under ~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code;
  - (c) A lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1701, as amended;
  - (d) A bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association. For purposes of division (C) (2) (d) of this section, "affiliate" has the same meaning as in division (A) of section 1101.01 of the Revised Code and "bank," as used in division (A) of section 1101.01 of the Revised Code, is deemed to include a savings bank or savings and loan association.
  - (e) A credit union organized and qualified under Chapter 1733. of the Revised Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C.A. 1751, as amended;
  - (f) A budget and debt counseling service, as defined in division (D) of section 2716.03 of the Revised Code, provided that the service is a nonprofit organization exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that

the service is in compliance with Chapter 4710. of the Revised Code; 5655  
5656

(g) 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. 5657  
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5659

(h) A mortgage banker; 5660

(i) Any political subdivision, or any governmental or other public entity, corporation, or agency, in or of the United States or any state of the United States; 5661  
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(j) A college or university, or controlled entity of a college or university, as defined in section 1713.05 of the Revised Code; 5664  
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(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; 5667  
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(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. 5672  
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(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. 5677  
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(E) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property. 5681  
5682

(F) "Mortgage banker" means any person that makes, 5683  
services, or buys and sells mortgage loans and is approved by 5684  
the United States department of housing and urban development, 5685  
the United States department of veterans affairs, the federal 5686  
national mortgage association, or the federal home loan mortgage 5687  
corporation. 5688

(G) "Superintendent of financial institutions" includes 5689  
the deputy superintendent for consumer finance as provided in 5690  
section 1181.21 of the Revised Code. 5691

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 5692  
of the Revised Code: 5693

(1) "Affiliate" means a business entity that is owned by, 5694  
operated by, controlled by, or under common control with another 5695  
business entity. 5696

(2) "Communication" means a written or oral notification 5697  
or advertisement that meets both of the following criteria, as 5698  
applicable: 5699

(a) The notification or advertisement is transmitted by or 5700  
on behalf of the seller of goods or services and by or through 5701  
any printed, audio, video, cinematic, telephonic, or electronic 5702  
means. 5703

(b) In the case of a notification or advertisement other 5704  
than by telephone, either of the following conditions is met: 5705

(i) The notification or advertisement is followed by a 5706  
telephone call from a telephone solicitor or salesperson. 5707

(ii) The notification or advertisement invites a response 5708  
by telephone, and, during the course of that response, a 5709  
telephone solicitor or salesperson attempts to make or makes a 5710

sale of goods or services. As used in division (A) (2) (b) (ii) of 5711  
this section, "invites a response by telephone" excludes the 5712  
mere listing or inclusion of a telephone number in a 5713  
notification or advertisement. 5714

(3) "Gift, award, or prize" means anything of value that 5715  
is offered or purportedly offered, or given or purportedly given 5716  
by chance, at no cost to the receiver and with no obligation to 5717  
purchase goods or services. As used in this division, "chance" 5718  
includes a situation in which a person is guaranteed to receive 5719  
an item and, at the time of the offer or purported offer, the 5720  
telephone solicitor does not identify the specific item that the 5721  
person will receive. 5722

(4) "Goods or services" means any real property or any 5723  
tangible or intangible personal property, or services of any 5724  
kind provided or offered to a person. "Goods or services" 5725  
includes, but is not limited to, advertising; labor performed 5726  
for the benefit of a person; personal property intended to be 5727  
attached to or installed in any real property, regardless of 5728  
whether it is so attached or installed; timeshare estates or 5729  
licenses; and extended service contracts. 5730

(5) "Purchaser" means a person that is solicited to become 5731  
or does become financially obligated as a result of a telephone 5732  
solicitation. 5733

(6) "Salesperson" means an individual who is employed, 5734  
appointed, or authorized by a telephone solicitor to make 5735  
telephone solicitations but does not mean any of the following: 5736

(a) An individual who comes within one of the exemptions 5737  
in division (B) of this section; 5738

(b) An individual employed, appointed, or authorized by a 5739

person who comes within one of the exemptions in division (B) of 5740  
this section; 5741

(c) An individual under a written contract with a person 5742  
who comes within one of the exemptions in division (B) of this 5743  
section, if liability for all transactions with purchasers is 5744  
assumed by the person so exempted. 5745

(7) "Telephone solicitation" means a communication to a 5746  
person that meets both of the following criteria: 5747

(a) The communication is initiated by or on behalf of a 5748  
telephone solicitor or by a salesperson. 5749

(b) The communication either represents a price or the 5750  
quality or availability of goods or services or is used to 5751  
induce the person to purchase goods or services, including, but 5752  
not limited to, inducement through the offering of a gift, 5753  
award, or prize. 5754

(8) "Telephone solicitor" means a person that engages in 5755  
telephone solicitation directly or through one or more 5756  
salespersons either from a location in this state, or from a 5757  
location outside this state to persons in this state. "Telephone 5758  
solicitor" includes, but is not limited to, any such person that 5759  
is an owner, operator, officer, or director of, partner in, or 5760  
other individual engaged in the management activities of, a 5761  
business. 5762

(B) A telephone solicitor is exempt from the provisions of 5763  
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 5764  
Code if the telephone solicitor is any one of the following: 5765

(1) A person engaging in a telephone solicitation that is 5766  
a one-time or infrequent transaction not done in the course of a 5767  
pattern of repeated transactions of a like nature; 5768

(2) A person engaged in telephone solicitation solely for religious or political purposes; a charitable organization, fund-raising counsel, or professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; or any person or other entity exempt under section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code;

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5) (a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B) (5) (a) of this section, 5799  
"newspaper of general circulation" includes, but is not limited 5800  
to, both of the following: 5801

(i) A newspaper that is a daily law journal designated as 5802  
an official publisher of court calendars pursuant to section 5803  
2701.09 of the Revised Code; 5804

(ii) A newspaper or publication that has at least twenty- 5805  
five per cent editorial, non-advertising content, exclusive of 5806  
inserts, measured relative to total publication space, and an 5807  
audited circulation to at least fifty per cent of the households 5808  
in the newspaper's retail trade zone as defined by the audit. 5809

(6) (a) An issuer, or its subsidiary, that has a class of 5810  
securities to which all of the following apply: 5811

(i) The class of securities is subject to section 12 of 5812  
the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 5813  
registered or is exempt from registration under 15 U.S.C.A. 5814  
781(g) (2) (A), (B), (C), (E), (F), (G), or (H); 5815

(ii) The class of securities is listed on the New York 5816  
stock exchange, the American stock exchange, or the NASDAQ 5817  
national market system; 5818

(iii) The class of securities is a reported security as 5819  
defined in 17 C.F.R. 240.11Aa3-1(a) (4). 5820

(b) An issuer, or its subsidiary, that formerly had a 5821  
class of securities that met the criteria set forth in division 5822  
(B) (6) (a) of this section if the issuer, or its subsidiary, has 5823  
a net worth in excess of one hundred million dollars, files or 5824  
its parent files with the securities and exchange commission an 5825  
S.E.C. form 10-K, and has continued in substantially the same 5826  
business since it had a class of securities that met the 5827

criteria in division (B) (6) (a) of this section. As used in 5828  
division (B) (6) (b) of this section, "issuer" and "subsidiary" 5829  
include the successor to an issuer or subsidiary. 5830

(7) A person soliciting a transaction regulated by the 5831  
commodity futures trading commission, if the person is 5832  
registered or temporarily registered for that activity with the 5833  
commission under 7 U.S.C.A. 1 et seq. and the registration or 5834  
temporary registration has not expired or been suspended or 5835  
revoked; 5836

(8) A person soliciting the sale of any book, record, 5837  
audio tape, compact disc, or video, if the person allows the 5838  
purchaser to review the merchandise for at least seven days and 5839  
provides a full refund within thirty days to a purchaser who 5840  
returns the merchandise or if the person solicits the sale on 5841  
behalf of a membership club operating in compliance with 5842  
regulations adopted by the federal trade commission in 16 C.F.R. 5843  
425; 5844

(9) A supervised financial institution or its subsidiary. 5845  
As used in division (B) (9) of this section, "supervised 5846  
financial institution" means a bank, trust company, savings and 5847  
loan association, savings bank, credit union, industrial loan 5848  
company, consumer finance lender, commercial finance lender, or 5849  
institution described in section 2(c) (2) (F) of the "Bank Holding 5850  
Company Act of 1956," 12 U.S.C.A. 1841(c) (2) (F), as amended, 5851  
supervised by an official or agency of the United States, this 5852  
state, or any other state of the United States; or a licensee or 5853  
registrant under sections 1321.01 to 1321.19, 1321.51 to 5854  
1321.60, or 1321.71 to 1321.83, or Chapter 1322. of the Revised 5855  
Code. 5856

(10) (a) An insurance company, association, or other 5857



organization that is licensed or authorized to conduct business 5858  
in this state by the superintendent of insurance pursuant to 5859  
Title XXXIX of the Revised Code or Chapter 1751. of the Revised 5860  
Code, when soliciting within the scope of its license or 5861  
authorization. 5862

(b) A licensed insurance broker, agent, or solicitor when 5863  
soliciting within the scope of the person's license. As used in 5864  
division (B) (10) (b) of this section, "licensed insurance broker, 5865  
agent, or solicitor" means any person licensed as an insurance 5866  
broker, agent, or solicitor by the superintendent of insurance 5867  
pursuant to Title XXXIX of the Revised Code. 5868

(11) A person soliciting the sale of services provided by 5869  
a cable television system operating under authority of a 5870  
governmental franchise or permit; 5871

(12) A person soliciting a business-to-business sale under 5872  
which any of the following conditions are met: 5873

(a) The telephone solicitor has been operating 5874  
continuously for at least three years under the same business 5875  
name under which it solicits purchasers, and at least fifty-one 5876  
per cent of its gross dollar volume of sales consists of repeat 5877  
sales to existing customersto whom it has made sales under the 5878  
same business name. 5879

(b) The purchaser business intends to resell the goods 5880  
purchased. 5881

(c) The purchaser business intends to use the goods or 5882  
services purchased in a recycling, reuse, manufacturing, or 5883  
remanufacturing process. 5884

(d) The telephone solicitor is a publisher of a periodical 5885  
or of magazines distributed as controlled circulation 5886

publications as defined in division (CC) of section 5739.01 of 5887  
the Revised Code and is soliciting sales of advertising, 5888  
subscriptions, reprints, lists, information databases, 5889  
conference participation or sponsorships, trade shows or media 5890  
products related to the periodical or magazine, or other 5891  
publishing services provided by the controlled circulation 5892  
publication. 5893

(13) A person that, not less often than once each year, 5894  
publishes and delivers to potential purchasers a catalog that 5895  
complies with both of the following: 5896

(a) It includes all of the following: 5897

(i) The business address of the seller; 5898

(ii) A written description or illustration of each good or 5899  
service offered for sale; 5900

(iii) A clear and conspicuous disclosure of the sale price 5901  
of each good or service; shipping, handling, and other charges; 5902  
and return policy. 5903

(b) One of the following applies: 5904

(i) The catalog includes at least twenty-four pages of 5905  
written material and illustrations, is distributed in more than 5906  
one state, and has an annual postage-paid mail circulation of 5907  
not less than two hundred fifty thousand households; 5908

(ii) The catalog includes at least ten pages of written 5909  
material or an equivalent amount of material in electronic form 5910  
on the internet or an on-line computer service, the person does 5911  
not solicit customers by telephone but solely receives telephone 5912  
calls made in response to the catalog, and during the calls the 5913  
person takes orders but does not engage in further solicitation 5914

of the purchaser. As used in division (B) (13) (b) (ii) of this 5915  
section, "further solicitation" does not include providing the 5916  
purchaser with information about, or attempting to sell, any 5917  
other item in the catalog that prompted the purchaser's call or 5918  
in a substantially similar catalog issued by the seller. 5919

(14) A political subdivision or instrumentality of the 5920  
United States, this state, or any state of the United States; 5921

(15) A college or university or any other public or 5922  
private institution of higher education in this state; 5923

(16) A public utility as defined in section 4905.02 of the 5924  
Revised Code or a retail natural gas supplier as defined in 5925  
section 4929.01 of the Revised Code, if the utility or supplier 5926  
is subject to regulation by the public utilities commission, or 5927  
the affiliate of the utility or supplier; 5928

(17) A person that solicits sales through a television 5929  
program or advertisement that is presented in the same market 5930  
area no fewer than twenty days per month or offers for sale no 5931  
fewer than ten distinct items of goods or services; and offers 5932  
to the purchaser an unconditional right to return any good or 5933  
service purchased within a period of at least seven days and to 5934  
receive a full refund within thirty days after the purchaser 5935  
returns the good or cancels the service; 5936

(18) (a) A person that, for at least one year, has been 5937  
operating a retail business under the same name as that used in 5938  
connection with telephone solicitation and both of the following 5939  
occur on a continuing basis: 5940

(i) The person either displays goods and offers them for 5941  
retail sale at the person's business premises or offers services 5942  
for sale and provides them at the person's business premises. 5943

(ii) At least fifty-one per cent of the person's gross 5944  
dollar volume of retail sales involves purchases of goods or 5945  
services at the person's business premises. 5946

(b) An affiliate of a person that meets the requirements 5947  
in division (B)(18)(a) of this section if the affiliate meets 5948  
all of the following requirements: 5949

(i) The affiliate has operated a retail business for a 5950  
period of less than one year; 5951

(ii) The affiliate either displays goods and offers them 5952  
for retail sale at the affiliate's business premises or offers 5953  
services for sale and provides them at the affiliate's business 5954  
premises; 5955

(iii) At least fifty-one per cent of the affiliate's gross 5956  
dollar volume of retail sales involves purchases of goods or 5957  
services at the affiliate's business premises. 5958

(c) A person that, for a period of less than one year, has 5959  
been operating a retail business in this state under the same 5960  
name as that used in connection with telephone solicitation, as 5961  
long as all of the following requirements are met: 5962

(i) The person either displays goods and offers them for 5963  
retail sale at the person's business premises or offers services 5964  
for sale and provides them at the person's business premises; 5965

(ii) The goods or services that are the subject of 5966  
telephone solicitation are sold at the person's business 5967  
premises, and at least sixty-five per cent of the person's gross 5968  
dollar volume of retail sales involves purchases of goods or 5969  
services at the person's business premises; 5970

(iii) The person conducts all telephone solicitation 5971

activities according to sections 310.3, 310.4, and 310.5 of the 5972  
telemarketing sales rule adopted by the federal trade commission 5973  
in 16 C.F.R. part 310. 5974

(19) A person who performs telephone solicitation sales 5975  
services on behalf of other persons and to whom one of the 5976  
following applies: 5977

(a) The person has operated under the same ownership, 5978  
control, and business name for at least five years, and the 5979  
person receives at least seventy-five per cent of its gross 5980  
revenues from written telephone solicitation contracts with 5981  
persons who come within one of the exemptions in division (B) of 5982  
this section. 5983

(b) The person is an affiliate of one or more exempt 5984  
persons and makes telephone solicitations on behalf of only the 5985  
exempt persons of which it is an affiliate. 5986

(c) The person makes telephone solicitations on behalf of 5987  
only exempt persons, the person and each exempt person on whose 5988  
behalf telephone solicitations are made have entered into a 5989  
written contract that specifies the manner in which the 5990  
telephone solicitations are to be conducted and that at a 5991  
minimum requires compliance with the telemarketing sales rule 5992  
adopted by the federal trade commission in 16 C.F.R. part 310, 5993  
and the person conducts the telephone solicitations in the 5994  
manner specified in the written contract. 5995

(d) The person performs telephone solicitation for 5996  
religious or political purposes, a charitable organization, a 5997  
fund-raising council, or a professional solicitor in compliance 5998  
with the registration and reporting requirements of Chapter 5999  
1716. of the Revised Code; and meets all of the following 6000

requirements: 6001

(i) The person has operated under the same ownership, 6002  
control, and business name for at least five years, and the 6003  
person receives at least fifty-one per cent of its gross 6004  
revenues from written telephone solicitation contracts with 6005  
persons who come within the exemption in division (B) (2) of this 6006  
section; 6007

(ii) The person does not conduct a prize promotion or 6008  
offer the sale of an investment opportunity; 6009

(iii) The person conducts all telephone solicitation 6010  
activities according to sections 310.3, 310.4, and 310.5 of the 6011  
telemarketing sales rules adopted by the federal trade 6012  
commission in 16 C.F.R. part 310. 6013

(20) A person that is a licensed real estate salesperson 6014  
or broker under Chapter 4735. of the Revised Code when 6015  
soliciting within the scope of the person's license; 6016

(21) (a) Either of the following: 6017

(i) A publisher that solicits the sale of the publisher's 6018  
periodical or magazine of general, paid circulation, or a person 6019  
that solicits a sale of that nature on behalf of a publisher 6020  
under a written agreement directly between the publisher and the 6021  
person. 6022

(ii) A publisher that solicits the sale of the publisher's 6023  
periodical or magazine of general, paid circulation, or a person 6024  
that solicits a sale of that nature as authorized by a publisher 6025  
under a written agreement directly with a publisher's 6026  
clearinghouse provided the person is a resident of Ohio for more 6027  
than three years and initiates all telephone solicitations from 6028  
Ohio and the person conducts the solicitation and sale in 6029

compliance with 16 C.F.R. part 310, as adopted by the federal 6030  
trade commission. 6031

(b) As used in division (B) (21) of this section, 6032  
"periodical or magazine of general, paid circulation" excludes a 6033  
periodical or magazine circulated only as part of a membership 6034  
package or given as a free gift or prize from the publisher or 6035  
person. 6036

(22) A person that solicits the sale of food, as defined 6037  
in section 3715.01 of the Revised Code, or the sale of products 6038  
of horticulture, as defined in section 5739.01 of the Revised 6039  
Code, if the person does not intend the solicitation to result 6040  
in, or the solicitation actually does not result in, a sale that 6041  
costs the purchaser an amount greater than five hundred dollars. 6042

(23) A funeral director licensed pursuant to Chapter 4717. 6043  
of the Revised Code when soliciting within the scope of that 6044  
license, if both of the following apply: 6045

(a) The solicitation and sale are conducted in compliance 6046  
with 16 C.F.R. part 453, as adopted by the federal trade 6047  
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 6048  
the Revised Code; 6049

(b) The person provides to the purchaser of any preneed 6050  
funeral contract a notice that clearly and conspicuously sets 6051  
forth the cancellation rights specified in division (G) of 6052  
section 1107.33 of the Revised Code, and retains a copy of the 6053  
notice signed by the purchaser. 6054

(24) A person, or affiliate thereof, licensed to sell or 6055  
issue Ohio instruments designated as travelers checks pursuant 6056  
to sections 1315.01 to 1315.18 of the Revised Code. 6057

(25) A person that solicits sales from its previous 6058

purchasers and meets all of the following requirements: 6059

(a) The solicitation is made under the same business name 6060  
that was previously used to sell goods or services to the 6061  
purchaser; 6062

(b) The person has, for a period of not less than three 6063  
years, operated a business under the same business name as that 6064  
used in connection with telephone solicitation; 6065

(c) The person does not conduct a prize promotion or offer 6066  
the sale of an investment opportunity; 6067

(d) The person conducts all telephone solicitation 6068  
activities according to sections 310.3, 310.4, and 310.5 of the 6069  
telemarketing sales rules adopted by the federal trade 6070  
commission in 16 C.F.R. part 310; 6071

(e) Neither the person nor any of its principals has been 6072  
convicted of, pleaded guilty to, or has entered a plea of no 6073  
contest for a felony or a theft offense as defined in sections 6074  
2901.02 and 2913.01 of the Revised Code or similar law of 6075  
another state or of the United States; 6076

(f) Neither the person nor any of its principals has had 6077  
entered against them an injunction or a final judgment or order, 6078  
including an agreed judgment or order, an assurance of voluntary 6079  
compliance, or any similar instrument, in any civil or 6080  
administrative action involving engaging in a pattern of corrupt 6081  
practices, fraud, theft, embezzlement, fraudulent conversion, or 6082  
misappropriation of property; the use of any untrue, deceptive, 6083  
or misleading representation; or the use of any unfair, 6084  
unlawful, deceptive, or unconscionable trade act or practice. 6085

(26) An institution defined as a home health agency in 6086  
section 3701.881 of the Revised Code, that conducts all 6087



telephone solicitation activities according to sections 310.3, 6088  
310.4, and 310.5 of the telemarketing sales rules adopted by the 6089  
federal trade commission in 16 C.F.R. part 310, and engages in 6090  
telephone solicitation only within the scope of the 6091  
institution's certification, accreditation, contract with the 6092  
department of aging, or status as a home health agency; and that 6093  
meets one of the following requirements: 6094

(a) The institution is certified as a provider of home 6095  
health services under Title XVIII of the Social Security Act, 49 6096  
Stat. 620, 42 U.S.C. 301, as amended; 6097

(b) The institution is accredited by either the joint 6098  
commission on accreditation of health care organizations or the 6099  
community health accreditation program; 6100

(c) The institution is providing PASSPORT services under 6101  
the direction of the department of aging under sections 173.52 6102  
to 173.523 of the Revised Code; 6103

(d) An affiliate of an institution that meets the 6104  
requirements of division (B) (26) (a), (b), or (c) of this section 6105  
when offering for sale substantially the same goods and services 6106  
as those that are offered by the institution that meets the 6107  
requirements of division (B) (26) (a), (b), or (c) of this 6108  
section. 6109

(27) A person licensed by the department of health 6110  
pursuant to section 3712.04 or 3712.041 of the Revised Code to 6111  
provide a hospice care program or pediatric respite care program 6112  
when conducting telephone solicitations within the scope of the 6113  
person's license and according to sections 310.3, 310.4, and 6114  
310.5 of the telemarketing sales rules adopted by the federal 6115  
trade commission in 16 C.F.R. part 310. 6116

**Sec. 4728.11.** This chapter does not apply to any of the 6117  
following: 6118

(A) Any purchase of an article that is made of or contains 6119  
gold, silver, platinum, or other precious metals or jewels of 6120  
any description if both the buyer and seller, or the respective 6121  
agents, brokers, or other intermediaries of both the buyer and 6122  
seller, deal in such articles or otherwise by their respective 6123  
occupations, or by their respective avocations as collectors, 6124  
speculators, or investors, hold themselves out as having 6125  
knowledge or skill peculiar to such articles or the practices 6126  
involved in their purchase or sale; 6127

(B) Licensees who obtain licenses under sections 1321.01 6128  
to 1321.19 of the Revised Code ~~or~~, registrants who obtain 6129  
certificates of registration under sections 1321.51 to 1321.60 6130  
of the Revised Code, or persons registered as mortgage lenders 6131  
under Chapter 1322. of the Revised Code; 6132

(C) National banks, state banks, credit unions, or savings 6133  
and loan associations; 6134

(D) The holder of a salvage motor vehicle dealer's license 6135  
under Chapter 4738. of the Revised Code who purchases or sells 6136  
precious metal which, in its original form, is a motor vehicle 6137  
component part, or a scrap metal processor subject to Chapter 6138  
4737. of the Revised Code; 6139

(E) Any purchase of silverware or an article of jewelry 6140  
made of or containing gold, silver, platinum, or other precious 6141  
metals or jewels that is made by a person who complies with all 6142  
of the following: 6143

(1) The person is engaged in the business of selling, at 6144  
retail, articles of jewelry and silverware; 6145

- (2) The person holds a valid vendor's license issued under section 5739.17 of the Revised Code; 6146  
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- (3) The person maintains a fixed place of business in this state at which the person regularly exhibits articles of jewelry and silverware that are for sale at retail; 6148  
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- (4) The person establishes to the satisfaction of the superintendent of financial institutions or the chief or head of the local police department, upon their request, that the person's purchases of silverware and articles of jewelry that 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: 6151  
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- (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; 6159  
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- (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; 6165  
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- (c) The purchases are of items described in division (F) of this section. 6170  
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- (F) Any purchase of coins, hallmark bars, registered ingots, and other items as numismatic objects, and not for their content of precious metals. 6172  
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(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. 6175  
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(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. 6178  
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**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 the department as superintendent of real estate and professional licensing to act as executive officer of the commission. 6181  
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The commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code shall each submit to the director a list of three persons whom the commission and the board consider qualified to be superintendent within sixty days after the office of superintendent becomes vacant. The director shall appoint a superintendent from the lists submitted by the commission and the board, and the superintendent shall serve at the pleasure of the director. 6187  
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(B) The superintendent, except as otherwise provided, shall do all of the following in regard to this chapter: 6195  
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(1) Administer this chapter; 6197

(2) Issue all orders necessary to implement this chapter; 6198

(3) Investigate complaints concerning the violation of this chapter or the conduct of any licensee; 6199  
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(4) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, 6201  
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audits, and other inquiries as in the judgment of the 6203  
superintendent are appropriate to enforce this chapter. The 6204  
investigators or auditors have the right to review and audit the 6205  
business records of licensees and continuing education course 6206  
providers during normal business hours. 6207

(5) Appoint a hearing examiner for any proceeding 6208  
involving disciplinary action under section 3123.47, 4735.052, 6209  
or 4735.18 of the Revised Code; 6210

(6) Administer the real estate recovery fund. 6211

(C) The superintendent may do all of the following: 6212

(1) In connection with investigations and audits under 6213  
division (B) of this section, subpoena witnesses as provided in 6214  
section 4735.04 of the Revised Code; 6215

(2) Apply to the appropriate court to enjoin any violation 6216  
of this chapter. Upon a showing by the superintendent that any 6217  
person has violated or is about to violate any provision of this 6218  
chapter, the court shall grant an injunction, restraining order, 6219  
or other appropriate order. 6220

(3) Upon the death of a licensed broker or the revocation 6221  
or suspension of the broker's license, if there is no other 6222  
licensed broker within the business entity of the broker, 6223  
appoint upon application by any interested party, or, in the 6224  
case of a deceased broker, subject to the approval by the 6225  
appropriate probate court, recommend the appointment of, an 6226  
ancillary trustee who is qualified as determined by the 6227  
superintendent to conclude the business transactions of the 6228  
deceased, revoked, or suspended broker; 6229

(4) In conjunction with the enforcement of this chapter, 6230  
when the superintendent of real estate has reasonable cause to 6231

believe that an applicant or licensee has committed a criminal 6232  
offense, the superintendent of real estate may request the 6233  
superintendent of the bureau of criminal identification and 6234  
investigation to conduct a criminal records check of the 6235  
applicant or licensee. The superintendent of the bureau of 6236  
criminal identification and investigation shall obtain 6237  
information from the federal bureau of investigation as part of 6238  
the criminal records check of the applicant or licensee. The 6239  
superintendent of real estate may assess the applicant or 6240  
licensee a fee equal to the fee assessed for the criminal 6241  
records check. 6242

(5) In conjunction with the enforcement of this chapter, 6243  
issue advisory letters in lieu of initiating disciplinary action 6244  
under section 4735.051 or 4735.052 of the Revised Code or 6245  
issuing a citation under section 4735.16 or 4735.181 of the 6246  
Revised Code. 6247

(D) All information that is obtained by investigators and 6248  
auditors performing investigations or conducting inspections, 6249  
audits, and other inquiries pursuant to division (B)(4) of this 6250  
section, from licensees, complainants, or other persons, and all 6251  
reports, documents, and other work products that arise from that 6252  
information and that are prepared by the investigators, 6253  
auditors, or other personnel of the department, shall be held in 6254  
confidence by the superintendent, the investigators and 6255  
auditors, and other personnel of the department. Notwithstanding 6256  
division (D) of section 2317.023 of the Revised Code, all 6257  
information obtained by investigators or auditors from an 6258  
informal mediation meeting held pursuant to section 4735.051 of 6259  
the Revised Code, including but not limited to the agreement to 6260  
mediate and the accommodation agreement, shall be held in 6261  
confidence by the superintendent, investigators, auditors, and 6262

other personnel of the department. 6263

(E) This section does not prevent the division of real 6264  
estate and professional licensing from releasing information 6265  
relating to licensees to the superintendent of financial 6266  
institutions for purposes relating to the administration of 6267  
~~sections 1322.01 to 1322.12~~ Chapter 1322. of the Revised Code, 6268  
to the superintendent of insurance for purposes relating to the 6269  
administration of Chapter 3953. of the Revised Code, to the 6270  
attorney general, or to local law enforcement agencies and local 6271  
prosecutors. Information released by the division pursuant to 6272  
this section remains confidential. 6273

**Sec. 4763.03.** (A) In addition to any other duties imposed 6274  
on the real estate appraiser board under this chapter, the board 6275  
shall: 6276

(1) Adopt rules, in accordance with Chapter 119. of the 6277  
Revised Code, in furtherance of this chapter, including, but not 6278  
limited to, all of the following: 6279

(a) Defining, with respect to state-certified general real 6280  
estate appraisers, state-certified residential real estate 6281  
appraisers, and state-licensed residential real estate 6282  
appraisers, the type of educational experience, appraisal 6283  
experience, and other equivalent experience that satisfy the 6284  
requirements of this chapter. The rules shall require that all 6285  
appraisal experience performed after January 1, 1996, meet the 6286  
uniform standards of professional practice established by the 6287  
appraisal foundation. 6288

(b) Establishing the examination specifications for state- 6289  
certified general real estate appraisers, state-certified 6290  
residential real estate appraisers, and state-licensed 6291

residential real estate appraisers;	6292
(c) Relating to disciplinary proceedings conducted in accordance with section 4763.11 of the Revised Code, including rules governing the reinstatement of certificates, registrations, and licenses that have been suspended pursuant to those proceedings;	6293 6294 6295 6296 6297
(d) Identifying any additional information to be included on the forms specified in division (C) of section 4763.12 of the Revised Code, provided that the rules shall not require any less information than is required in that division;	6298 6299 6300 6301
(e) Establishing the fees set forth in section 4763.09 of the Revised Code;	6302 6303
(f) Establishing the amount of the assessment required by division (A)(2) of section 4763.05 of the Revised Code. The board annually shall determine the amount due from each applicant for an initial certificate, registration, and license in an amount that will maintain the real estate appraiser recovery fund at the level specified in division (A) of section 4763.16 of the Revised Code. The board may, if the fund falls below that amount, require current certificate holders, registrants, and licensees to pay an additional assessment.	6304 6305 6306 6307 6308 6309 6310 6311 6312
(g) Defining the educational requirements pursuant to division (C) of section 4763.05 of the Revised Code;	6313 6314
(h) Establishing a real estate appraiser assistant program for the registration of real estate appraiser assistants.	6315 6316
(2) Prescribe by rule the requirements for the examinations required by division (D) of section 4763.05 of the Revised Code;	6317 6318 6319



(3) Periodically review the standards for the development 6320  
and reporting of appraisal reports provided in this chapter and 6321  
adopt rules explaining and interpreting those standards; 6322

(4) Hear appeals, pursuant to Chapter 119. of the Revised 6323  
Code, from decisions and orders the superintendent of real 6324  
estate issues pursuant to this chapter; 6325

(5) Request the initiation by the superintendent of 6326  
investigations of violations of this chapter or the rules 6327  
adopted pursuant thereto, as the board determines appropriate; 6328

(6) Determine the appropriate disciplinary actions to be 6329  
taken against certificate holders, registrants, and licensees 6330  
under this chapter as provided in section 4763.11 of the Revised 6331  
Code. 6332

(B) In addition to any other duties imposed on the 6333  
superintendent of real estate under this chapter, the 6334  
superintendent shall: 6335

(1) Prescribe the form and content of all applications 6336  
required by this chapter; 6337

(2) Receive applications for certifications, 6338  
registrations, and licenses and renewal thereof under this 6339  
chapter and establish the procedures for processing, approving, 6340  
and disapproving those applications; 6341

(3) Retain records and all application materials submitted 6342  
to the superintendent; 6343

(4) Establish the time and place for conducting the 6344  
examinations required by division (D) of section 4763.05 of the 6345  
Revised Code; 6346

(5) Issue certificates, registrations, and licenses and 6347

maintain a register of the names and addresses of all persons 6348  
issued a certificate, registration, or license under this 6349  
chapter; 6350

(6) Perform any other functions and duties, including the 6351  
employment of staff, necessary to administer this chapter; 6352

(7) Administer this chapter; 6353

(8) Issue all orders necessary to implement this chapter; 6354

(9) Investigate complaints, upon the superintendent's own 6355  
motion or upon receipt of a complaint or upon a request of the 6356  
board, concerning any violation of this chapter or the rules 6357  
adopted pursuant thereto or the conduct of any person holding a 6358  
certificate, registration, or license issued pursuant to this 6359  
chapter; 6360

(10) Establish and maintain an investigation and audit 6361  
section to investigate complaints and conduct inspections, 6362  
audits, and other inquiries as in the judgment of the 6363  
superintendent are appropriate to enforce this chapter. The 6364  
investigators and auditors have the right to review and audit 6365  
the business records of certificate holders, registrants, and 6366  
licensees during normal business hours. The superintendent may 6367  
utilize the investigators and auditors employed pursuant to 6368  
division (B) (4) of section 4735.05 of the Revised Code or 6369  
currently licensed certificate holders or licensees to assist in 6370  
performing the duties of this division. 6371

(11) Appoint a referee or examiner for any proceeding 6372  
involving the disciplinary action of a certificate holder, 6373  
licensee, or registrant under section 4763.11 of the Revised 6374  
Code; 6375

(12) Administer the real estate appraiser recovery fund; 6376

(13) Conduct the examinations required by division (D) of 6377  
section 4763.05 of the Revised Code at least four times per 6378  
year. 6379

(C) The superintendent may do all of the following: 6380

(1) In connection with investigations and audits under 6381  
division (B) of this section, subpoena witnesses as provided in 6382  
section 4763.04 of the Revised Code; 6383

(2) Apply to the appropriate court to enjoin any violation 6384  
of this chapter. Upon a showing by the superintendent that any 6385  
person has violated or is about to violate this chapter, the 6386  
court shall grant an injunction, restraining order, or other 6387  
appropriate relief, or any combination thereof. 6388

(D) All information that is obtained by investigators and 6389  
auditors performing investigations or conducting inspections, 6390  
audits, and other inquiries pursuant to division (B)(10) of this 6391  
section, from certificate holders, registrants, licensees, 6392  
complainants, or other persons, and all reports, documents, and 6393  
other work products that arise from that information and that 6394  
are prepared by the investigators, auditors, or other personnel 6395  
of the department of commerce, shall be held in confidence by 6396  
the superintendent, the investigators and auditors, and other 6397  
personnel of the department. 6398

(E) This section does not prevent the division of real 6399  
estate and professional licensing from releasing information 6400  
relating to certificate holders, registrants, and licensees to 6401  
the superintendent of financial institutions for purposes 6402  
relating to the administration of ~~sections 1322.01 to 1322.12~~ 6403  
Chapter 1322. of the Revised Code, to the superintendent of 6404  
insurance for purposes relating to the administration of Chapter 6405

3953. of the Revised Code, to the attorney general, or to local 6406  
law enforcement agencies and local prosecutors. Information 6407  
released by the division pursuant to this section remains 6408  
confidential. 6409

(F) Any rule the board adopts shall not exceed the 6410  
requirements specified in federal law or regulations. 6411

**Section 2.** That existing sections 9.02, 109.572, 1181.21, 6412  
1181.25, 1315.21, 1319.12, 1321.02, 1321.51, 1321.52, 1321.53, 6413  
1321.54, 1321.55, 1321.551, 1321.57, 1321.58, 1321.59, 1321.60, 6414  
1321.72, 1321.99, 1322.01, 1322.02, 1322.021, 1322.023, 6415  
1322.024, 1322.025, 1322.03, 1322.031, 1322.04, 1322.041, 6416  
1322.042, 1322.043, 1322.05, 1322.051, 1322.052, 1322.06, 6417  
1322.061, 1322.065, 1322.07, 1322.072, 1322.073, 1322.074, 6418  
1322.075, 1322.081, 1322.09, 1322.10, 1322.101, 1322.11, 6419  
1322.12, 1322.99, 1329.71, 1335.02, 1345.01, 1349.27, 1349.43, 6420  
1349.44, 1349.45, 1349.99, 2923.31, 4712.01, 4719.01, 4728.11, 6421  
4735.05, and 4763.03 and sections 1321.521, 1321.522, 1321.531, 6422  
1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 1321.537, 6423  
1321.538, 1321.552, 1321.592, 1321.593, 1321.594, 1322.022, 6424  
1322.062, 1322.063, 1322.064, 1322.071, and 1322.08 of the 6425  
Revised Code are hereby repealed. 6426

**Section 3.** (A) The Superintendent of Financial 6427  
Institutions may take whatever actions the Superintendent 6428  
considers necessary to ensure full compliance with this act. 6429

(B) Persons holding a valid mortgage lender certificate of 6430  
registration or mortgage loan originator license issued under 6431  
sections 1321.51 to 1321.60 of the Revised Code as of the 6432  
effective date of this act and persons holding a valid mortgage 6433  
broker certificate of registration or loan originator license 6434  
issued under Chapter 1322. of the Revised Code as of the 6435

effective date of this act, shall not be required to be 6436  
registered or licensed under section 1322.07 or 1322.20 of the 6437  
Revised Code, as amended by this act, until the first renewal of 6438  
that certificate of registration or license after that date. 6439

**Section 4.** The General Assembly, applying the principle 6440  
stated in division (B) of section 1.52 of the Revised Code that 6441  
amendments are to be harmonized if reasonably capable of 6442  
simultaneous operation, finds that the following sections, 6443  
presented in this act as composites of the sections as amended 6444  
by the acts indicated, are the resulting versions of the 6445  
sections in effect prior to the effective date of the sections 6446  
as presented in this act: 6447

Section 109.572 of the Revised Code as amended by both 6448  
Sub. H.B. 523 and Am. Sub. S.B. 227 of the 132nd General 6449  
Assembly. 6450

Sections 1322.03 and 1322.031 of the Revised Code as 6451  
amended by Am. Sub. H.B. 487 of the 129th General Assembly and 6452  
Am. Sub. H.B. 483 of the 130th General Assembly. 6453

Section 2923.31 of the Revised Code as amended by both Am. 6454  
Sub. H.B. 386 and Am. Sub. H.B. 262 of the 129th General 6455  
Assembly. 6456