#### **CHECKLIST SECTIONS**

- General Information
- <u>License Fees</u>
- Requirements Completed in NMLS
- Requirements/Documents Uploaded in NMLS

#### **GENERAL INFORMATION**

# Who Is Required to Have This License?

This registration is required for non-exempt persons engaging in mortgage lending, mortgage brokering, or mortgage servicing as defined in O.R.C. Chapter 1322.

# Who is NOT Required to Have This License?

- Any entity chartered and lawfully doing business under the authority of any law of this state, another state, or the United States as a bank, savings bank, trust company, savings and loan association, or credit union, or a subsidiary of any such entity, which subsidiary is regulated by a federal banking agency and is owned and controlled by a depository institution
- A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act"
- Any political subdivision, or any governmental or other public entity, corporation, instrumentality, or agency, in or of the United States or any state
- A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code
- Any entity created solely for the purpose of securitizing loans secured by an interest in real estate, provide the entity does not service the loans
- A Credit Union Service Organization holding a valid Letter of Exemption issued under O.R.C. 1322.05

See O.R.C. 1322.04 for additional exemptions and exclusions and more details.

## **Activities Authorized Under This License**

This license authorizes the following activities as defined by NMLS on the <u>Business Activities Definitions chart</u>:

- First mortgage brokering
- Second mortgage brokering
- First mortgage lending
- Second mortgage lending
- First mortgage servicing
- Second mortgage servicing
- Manufactured housing financing

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- Reverse mortgage brokering
- Reverse mortgage lending
- Lead generation
- Mortgage loan modifications
- Home equity loans, including lines of credit

Ohio issues PDF licenses by email for this license type.

## **Document Uploads Guidance**

Documents that must be uploaded to the *Document Uploads* section of the Company Form (MU1) in NMLS are indicated in the checklist below. When uploading documents:

- Follow the guidance in <u>Document Upload Descriptions and Examples</u>.
- Only upload documents relevant to the company application.
- Only upload documents where there is a selectable document category. If inappropriate documents
  are uploaded that should not be, you will be contacted by your regulator and asked to remove them
  from NMLS.
- Do not upload the same company documents multiple times. Generally, unless the document is state-specific, if the document has already been uploaded for another state, a new upload is not required unless changes have been made.
- If a document previously uploaded has been revised, delete the old document and replace it with the new document (history of the old document will remain in NMLS).
- For state-specific documents (e.g., Surety Bonds), be sure to indicate the applicable state.

## **Helpful Resources**

- Company Form (MU1) Filing Instructions
- Document Upload Descriptions and Examples
- Individual Form (MU2) Filing Quick Guide
- Financial Statements Quick Guide
- Payment Options Quick Guide
- License Status Definitions Quick Guide

# **Agency Contact Information**

Contact a licensing staff member at (614) 644-6484 or webdfi-cf@com.state.oh.us.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE AGENCY SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

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LICENSE FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.		
Complete	OH Residential Mortgage Lending Act Certificate of Registration	Submitted via
	OH License/Registration Fee: \$700  NMLS Initial Processing Fee: \$100	NMLS (Filing submission)
	FBI Criminal Background Check for MU2 Individual: \$36.25 per person.	NMLS (Filing submission)
	Credit Report for Control Persons: \$15 per control person.	NMLS (Filing submission)

REQUIREMENTS COMPLETED IN NMLS		
Complete	OH Residential Mortgage Lending Act Certificate of Registration	Submitted via
	<b>Submission of Company Form (MU1):</b> Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the registration through NMLS.	NMLS
	Financial Statement: Upload an audited or unaudited financial statement prepared in accordance with Generally Accepted Accounting Principles dated within 90 days of the company's application. Financial statements should include a balance sheet, income statement, and statement of cash flows and all relevant notes. If applicant is a start-up company, only an initial statement of condition is required.  Note: Financial statements are uploaded separately under the Filing tab and Financial Statement submenu link. See the Financial Statements Quick Guide for instructions.	Upload in NMLS: under the Filing tab and Financial Statement submenu link.
	Other Trade Name: If operating under a name that is different from the applicant's legal name, that name ("Trade Name", "Assumed Name" or "DBA") must be listed under the Other Trade Names section of the Company Form (MU1).  If operating under an "Other Trade Name", upload Ohio Secretary of State Trade Name Certificate of Registration regarding ability to do business under that trade name.  This document should be named OH-RM-Trade Name-Assumed Name.	NMLS  and  Upload in NMLS: under the Document Type Trade Name/Assumed Name Registration Certificates in the Document Uploads section of the Company Form (MU1).
	Resident/Registered Agent: The Resident/Registered Agent must be listed under the Resident/Registered Agent section of the Company Form (MU1) and must match the information currently on record with the Ohio Secretary of State.	NMLS

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	Primary Contact Employees: The following individuals must be entered into the Contact Employees section of the Company Form (MU1).  1. Primary Company Contact  2. Primary Consumer Complaint Contact	NMLS
	Non-Primary Contact Employees: OH requires that an individual(s) be identified as a Non-Primary Contact for the following areas. These contacts must be listed in the Contact Employees section of the Company Form (MU1).  1. Exam Billing 2. Exam Delivery 3. Pre-Exam Contact	NMLS
Note	<b>Bank Account:</b> Bank account information is not required. The <i>Bank Account</i> section of the Company Form (MU1) can be left blank.	N/A
	Disclosure Questions: Provide a complete and detailed explanation and document upload for each "Yes" response to Disclosure Questions made by the company or related control persons (MU2).  See the Company Disclosure Explanations Quick Guide for instructions.	Upload in NMLS in the Disclosure Explanations section of the Company Form (MU1) or Individual Form (MU2).
	Qualifying Individual/Operations Manager: Each mortgage company must designate an "operations manager" (OM) who must be a licensed mortgage loan originator in Ohio, and must be listed as a qualifying individual on Form MU1. Provide a resume with detailed job descriptions and duties performed to show experience that meets the requirements contained in ORC 1322.12.  Upload in NMLS any additional proof of industry experience (such as IRS Employment Records that match the candidate's employment history) under Verification of Experience in the Document Uploads section of the Individual Form (MU2/MU4).	NMLS  and  Upload in NMLS under  Verification of  Experience in the  Document Uploads  section of the Individual  Form (MU1).
	Control Person (MU2) Attestation: Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable control person before it is able to be submitted along with the Company Form (MU1).	NMLS
	Credit Report: Individuals in a position of control are required to authorize a credit report through NMLS. Individuals will be required to complete an Identity Verification Process (IDV) along with an individual attestation before a certificate of registration request for your company can be filed through NMLS. This authorization is made when the Individual Form (MU2) is submitted as part of the Company Form (MU1).	NMLS

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Credit Report Explanations: Any credit report filed with this Department containing tax liens, judgments, unpaid child support, bankruptcies, and/or charged off accounts will likely cause the processing of the application to be delayed or possibly cause the application to be denied. Outstanding derogatory credit issues or bankruptcies, which have not been discharged, will require satisfactory explanation.  This document should be named Credit Report Explanations – Sub Name – Document Creation Date	Upload in NMLS: under Credit Report Explanations in the Document Uploads section of the Individual Form (MU2).
<ul> <li>MU2 Individual FBI Criminal Background Check Requirements: The following Individuals, as specified below, on the Company Form (MU1) are required to authorize an FBI criminal background check (CBC) through NMLS.</li> <li>Direct and In-Direct Owners         <ul> <li>Any individual holding 5% or more ownership in the company</li> </ul> </li> <li>Executive Officers         <ul> <li>Top Tier executive officers only, excluding directors. May include Officers, Sole Proprietor, and/or Control Person(s)</li> </ul> </li> <li>After authorizing an FBI criminal background check through the submission of the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required.</li> <li>See the Criminal Background Check section of the NMLS Resource Center for more information.</li> <li>Note: If you are able to 'Use Existing Prints' to process the FBI criminal background check, you DO NOT have to schedule an appointment. NMLS will automatically submit the fingerprints on file.</li> <li>Note: All applications will be on hold until the applicant is able to obtain a background check.</li> </ul>	NMLS

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**Electronic Surety Bond:** Electronic Surety Bond via NMLS in the minimum amount of \$50,000 up to a maximum of \$150,000, furnished and submitted by a surety company authorized to conduct business in Ohio.

Electronic Surety Bond in NMLS

See the <u>ESB Adoption Table</u> and the <u>ESB for NMLS Licensees page</u> of the NMLS Recourse Center for more information.

Note: For servicing-only companies, the bond must be at least the minimum requirement of \$150,000.

Note: Surety bonds submitted via the *Document Uploads* section will *not* satisfy this requirement.

Note: It is the company's responsibility to ensure the bond is current and accurate at all times throughout licensure. If any changes to the ESB are required, the company must contact the producer. Visit the <a href="ESB for NMLS Licensees page">ESB for NMLS Licensees page</a> of the NMLS Resource Center for more information about the Electronic Surety Bond process.

# **Surety Bond Requirements Table**

Amount of Mortgage Originations	Bond Amount	Plus
from previous calendar year		
\$0.00 to \$10,000,000.00	Minimum - \$50,000.00	\$10,000 per branch
\$11,000,000.00 to \$12,000,000.00	\$60,000.00	\$10,000 per branch
\$13,000,000.00 to \$14,000,000.00	\$70,000.00	\$10,000 per branch
\$15,000,000.00 to \$16,000,000.00	\$80,000.00	\$10,000 per branch
\$17,000,000.00 to \$18,000,000.00	\$90,000.00	\$10,000 per branch
\$19,000,000.00 to \$20,000,000.00	\$100,000.00	\$10,000 per branch
\$21,000,000.00 to \$22,000,000.00	\$110,000.00	\$10,000 per branch
\$23,000,000.00 to \$24,000,000.00	\$120,000.00	\$10,000 per branch
\$25,000,000.00 to \$26,000,000.00	\$130,000.00	\$10,000 per branch
\$27,000,000.00 to \$28,000,000.00	\$140,000.00	\$10,000 per branch
\$29,000.000.00 to \$30,000.000.00	Maximum \$150,000.00	No additional branch
\$30,000,000.00 to any amount over	Maximum \$150,000.00	bond amount
\$30 Million		necessary

Formula: Any amount listed on the Bond Declaration form X .50% = Bond Amount

Note: For renewal, it is company's responsibility to ensure the bond is renewed through the upcoming calendar year. ESBs do not automatically renew for the correct amount, name change, or legal status.

**Surety Bond Declaration and Company Resolution:** Companies that will carry an Electronic Surety bond of less than \$150,000 must submit the Surety Bond declaration form. Surety bond not accompanied by the declaration form will not satisfy this requirement. <u>Click here</u> for *Bond Declaration and Company Resolution*.

This document must be named *Declaration and Company Resolution*.

Note: Company Resolution is not necessary for sole proprietors, mortgage loan originators, or if the designee is on file as having previously been given authority to submit documents on behalf of the company.

Upload in NMLS: under the Document Type Surety Bond – Alternate Security Device in the Document Uploads section of the Company Form (MU1).

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REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS			
Complete	OH Residential Mortgage Lending Act Certificate of Registration	Submitted via	
	Business Plan: Upload a business plan outlining the following information:  Mortgage activity  Mortgage origination (brokering and/or lending)  Mortgage servicing (indicate if the company engages exclusively in mortgage servicing)  Marketing strategies  Products  Target markets  Fee schedule  Operating structure the applicant intends to employ  This document should be named [Company Legal Name] RM Business Plan.  Note: If the existing uploaded business plan already includes the above information, an additional document does not need to be uploaded. A company should only upload a single business plan. If state-specific material is required, this information should be added to the existing uploaded business plan.	Upload in NMLS: under the Document Type  Business Plan in the Document Uploads section of the Company Form (MU1).	
	Interest in Appraisal Companies. Provide a written statement regarding whether any owner or member of an owner's immediate family has an ownership interest in an appraisal company.  This document should be named Interest in Appraisal Company.	Upload in NMLS: under the Document Type Business Plan in the Document Uploads section of the Company Form (MU1).	
	Business Continuity Plan: Upload document(s) including description of how a company plans, prevents, maintains, and/or recovers essential functions, systems, processes, and other business operations involving threats to the business, including during a disaster.  This document should be named [Company Legal Name] RM Business Continuity Plan.	Upload in NMLS: under the Document Type Business Continuity Plan in the Document Uploads section of the Company Form (MU1).	
	Certificate of Authority/Good Standing Certificate: Upload a State-issued and approved document (typically by the Secretary of State's office), dated not more than 60 days prior to the filing of the application through NMLS that demonstrates authorization to do business in Ohio.  This document should be named OH Certificate of Authority -or- OH Certificate of Good Standing.	Upload in NMLS: under the Document Type Certificate of Authority/Good Standing Certificate in the Document Uploads section of the Company Form (MU1).	

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<ul> <li>Company Staffing and Internal Policies: Upload document(s) including information on staffing and internal organizational policies and procedures. If submitting multiple policies, upload and name each policy separately. The document must include the following information:         <ul> <li>Internal audit plan, policies, procedures and schedule for all compliance issues including, but not limited to, PATRIOT ACT/Bank Secrecy Act, and information technology.</li> <li>Policies and procedures to receive and process consumer inquiries and grievances promptly and fairly.</li> <li>Download, execute, and upload the Ohio License Attestation, dated within 90 days of the company's application.</li> </ul> </li> <li>This document should be named Staffing and Internal Policies.</li> </ul>	Upload in NMLS: under the Document Type Company Staffing and Internal Policies in the Document Uploads section of the Company Form (MU1).
<ul> <li>Document Samples – ALL COMPANIES. Upload copies of the following sample documents used in the regular course of business in connection with this license application:         <ul> <li>A sample or copy of your Computer System and Anti-virus Software to be used in this business that indicates applicant will be in compliance with the Ohio Residential Mortgage Lending Act and Regulations. If a manual recordkeeping system is used, indicate such.</li></ul></li></ul>	Upload in NMLS: under Document Samples in the Document Uploads section of the Company Form (MU1).
<ul> <li>Submit complete sample loan contracts, including any Truth in Lending statements and promissory notes. Indicate methods for compliance with applicable Ohio Revised Code sections. Submit a sample for each different type of loan product the applicant anticipates offering, including separate sample forms for any different types of interest calculation or payment structures.         This document should be named RM Loan Doc Samples     </li> <li>Submit a copy of the documents listed on the Office of the Ohio Attorney General.         These documents should be named Mortgage Loan Disclosures.     </li> <li>Verification of Pre-Purchase Counseling Disclosure, found on the Division's website.</li> <li>This document should be named Pre-Purchase Counseling Disclosure.</li> </ul>	Upload in NMLS: under Document Samples in the Document Uploads section of the Company Form (MU1).

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<ul> <li>Submit a completed sample of the Mortgage Broker Contract         Agreement that the company has with the lender and/or its clients.         This document should be named [Brokering Company Name] Mortgage Brokering Sample Contract Agreement.     </li> <li>Submit a copy of the documents listed on the Office of the Ohio Attorney General.</li> <li>These documents should be named Mortgage Loan Disclosures.</li> </ul>	Upload in NMLS: under Document Samples in the Document Uploads section of the Company Form (MU1).
<ul> <li>Submit sample payment history documents.         This document should be named RMLA Document Samples-Servicing.     </li> <li>Submit a copy of any written Mortgage Servicing Agreement or Contract related to mortgage servicing rights.         This document should be named [Servicing Company Name] Mortgage Servicing Agreement.     </li> </ul>	Upload in NMLS: under Document Samples in the Document Uploads section of the Company Form (MU1).

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**Formation Documents:** Determine classification of applicant's legal status and submit a State certified copy of the requested applicable documentation detailed below. Original formation documents and all subsequent amendments, name/trade registration thereto including a list of any name changes.

#### **Sole Proprietor**

Applicable formation documents.

### **Unincorporated Association:**

• By-Laws or constitution (including all amendments).

#### **General Partnership:**

• Partnership Agreement (including all amendments).

## **Limited Liability Partnership:**

- Certificate of Limited Liability Partnership; and
- Partnership Agreement (including all amendments).

## **Limited Partnership:**

- Certificate of Limited Partnership; and
- Partnership Agreement (including all amendments).

#### **Limited Liability Limited Partnership:**

- Certificate of Limited Liability Limited Partnership; and
- Partnership Agreement (including all amendments).

#### Limited Liability Company ("LLC"):

- Articles of Organization (including all amendments);
- Operating Agreement (including all amendments);
- IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and
- LLC resolution if authority not in operating agreement.

#### **Corporation:**

- Articles of Incorporation (including all amendments);
- By-laws (including all amendments), if applicable;
- Shareholder Agreement (including all amendments), if applicable;
- Operating Agreement (including all amendments);
- IRS Form 2553 if S-corp treatment elected; and
- Corporate resolution if authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable.

## **Not for Profit Corporation**

- Documents requested of a Corporation; and
- Proof of nonprofit status
  - o Internal Revenue Service ("IRS") 501(c)(3) designation letter; or
  - statement from a State taxing body or the State attorney general certifying that: (i) the entity is a nonprofit organization operating within the State; and (ii) no part of the entity's net earnings may lawfully benefit any private shareholder or individual; or
  - entity's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or
  - Any of the three preceding items described, if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

## Trust (Statutory)

- Certificate of Trust; and
- Governing instrument (all amendments).

Upload in NMLS: under Formation Document" in the Document Uploads section of the Company Form (MU1).

This document should be named Formation Documentation [Date of Creation (MM-DD-YYYY)].

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Management Chart: Submit a Management Chart displaying the applicant's directors, officers, and managers (individual name and title). Must also identify compliance reporting and internal audit structure.  This document should be named [Company Legal Name] Management Chart.  Note: If the existing uploaded Management Chart already includes the above information, an additional document does not need to be uploaded. A company should only upload a single Management Chart.	Upload in NMLS: under Management Chart in the Document Uploads section of the Company Form (MU1).
<ul> <li>Organizational Chart/Description: Submit a chart showing (or a description which includes) the percentage of ownership of:         <ul> <li>All direct owners of 5% or more (direct ownership information must account for 100% of ownership).</li> <li>Indirect owners that own or control 5% or more of the applicant.</li> <li>All individuals listed as direct owners and executive officers on the Organizational Chart/Description must match the individuals listed on the Management Chart.</li> </ul> </li> <li>This document should be named [Company Legal Name] Organizational Chart – Description.</li> <li>Note: If the existing uploaded Organizational Chart/Description already includes the above information, an additional document does not need to be uploaded. A company should only upload a single Organizational Chart/Description.</li> </ul>	Upload in NMLS: under Organizational Chart/Description in the Document Uploads section of the Company Form (MU1).
Deed/Lease/Sublease: Upload in NMLS a copy of the Main Office Deed/Lease/Sublease. If a residence, upload in NMLS proof that business can be conducted at that location, i.e., no deed restrictions and the location is properly zoned.  This document should be named RMLA Main Location Documents.	Upload in NMLS: Upload all documents in NMLS under Company Staffing and Internal Policies in the Document Uploads section of the Company Form (MU1).

# INDIVIDUAL (MU2) DOCUMENTS UPLOADED IN NMLS

No individual (MU2) documents are required to be uploaded into NMLS for this license/registration at this time.

# **REQUIREMENTS SUBMITTED OUTSIDE OF NMLS**

No items are required to be submitted outside of NMLS for this license/registration at this time.

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