



OH Residential Mortgage Lending Act Letter of Exemption New Application Checklist (Company)

CHECKLIST SECTIONS

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GENERAL INFORMATION

Who Is Required to Have This Exemption?

- Credit Union Service Organization seeking exemption from registration as provided in O.R.C. 1322.05.
- Depository institutions seeking exemption from registration as provided in O.R.C. 1322.05.

Who Is NOT Required to Have This Exemption?

- Holders of other valid Ohio mortgage registrations or that fall into other exemptions contained in O.R.C. 1322 are not required to apply. See O.R.C. 1322.04 for additional details.

Activities Authorized Under This License

This license authorizes the following activities as defined by NMLS on the [Business Activities Definitions chart](#):

- First mortgage brokering
- Second mortgage brokering
- First mortgage lending
- Second mortgage lending
- Reverse mortgage lending
- Mortgage loan modifications

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 [Document Upload Descriptions and Examples](#).
- 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 IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE EXEMPTION 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.

EXEMPTION FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.

| Complete | OH Residential Mortgage Lending Act Letter of Exemption | Submitted via... |
|--------------------------|--|---------------------------------|
| <input type="checkbox"/> | OH License/Registration Fee: \$350 NMLS Initial Processing Fee: \$100 | NMLS (Filing submission) |
| <input type="checkbox"/> | FBI Criminal Background Check for MU2 Individual: \$36.25 per person. | NMLS (Filing submission) |
| <input type="checkbox"/> | Credit Report for Control Persons: \$15 per control person. | NMLS (Filing submission) |

REQUIREMENTS COMPLETED IN NMLS

| Complete | OH Residential Mortgage Lending Act Letter of Exemption | Submitted via... |
|--------------------------|---|--|
| <input type="checkbox"/> | Submission of Company Form (MU1): Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license/registration through NMLS. | NMLS |
| <input type="checkbox"/> | Financial Statements: Upload an audited or unaudited financial statement dated within 90 days of the company's fiscal year end. 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 <i>Financial Statement</i> submenu link. See the Financial Statements Quick Guide for instructions. Note: This is not required to be completed by a Certified Public Accountant. | NMLS |
| <input type="checkbox"/> | 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 <i>OH-RMLA Exemption-Trade Name-Assumed Name</i> . | NMLS <i>and</i> Upload in NMLS: under the Document Type Trade Name/Assumed Name Registration Certificates in the Document Uploads section of the Company Form (MU1). |

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| <input type="checkbox"/> | Resident/Registered Agent: The Resident/Registered Agent must be listed under the <i>Resident/Registered Agent</i> section of the Company Form (MU1) and must match the information currently on record with the Ohio Secretary of State. | NMLS |
| <input type="checkbox"/> | Primary Contact Employees: The following individuals must be entered into the <i>Contact Employees</i> section of the Company Form (MU1). <ol style="list-style-type: none"> 1. Primary Company Contact 2. Primary Consumer Complaint Contact | NMLS |
| <input type="checkbox"/> | 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 <i>Contact Employees</i> section of the Company Form (MU1). <ol style="list-style-type: none"> 1. Exam Billing 2. Exam Delivery 3. Pre-Exam Contact | NMLS |
| Note | Bank Account: Bank account information is not required. The <i>Bank Account</i> section of the Company Form (MU1) can be left blank. | N/A |
| <input type="checkbox"/> | 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 <i>Disclosure Explanations</i> section of the Company Form (MU1) or Individual Form (MU2). |
| <input type="checkbox"/> | 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. In particular, the experience must include “at least three years of experience as a mortgage loan originator or registered mortgage loan originator.” Upload in NMLS any additional proof of industry experience (such as IRS Employment Records that match the candidate’s employment history) under <u>Verification of Experience</u> in the <i>Document Uploads</i> section of the Individual Form (MU2/MU4). | NMLS |
| <input type="checkbox"/> | 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 |

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| <input type="checkbox"/> | <p>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 license 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).</p> | <p>NMLS</p> |
| <input type="checkbox"/> | <p>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.</p> <p>This document should be named <i>Credit Report Explanations – Sub Name – Document Creation Date</i></p> | <p>Upload in NMLS: under Credit Report Explanations in the Document Uploads section of the Individual Form (MU2).</p> |
| <input type="checkbox"/> | <p>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.</p> <p><i>Direct and In-Direct Owners</i></p> <ul style="list-style-type: none"> Any individual holding 5% or more ownership in the company <p><i>Executive Officers</i></p> <ul style="list-style-type: none"> Top Tier executive officers only, excluding directors. May include Officers, Sole Proprietor, and/or Control Person(s) <p>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.</p> <p>See the Criminal Background Check section of the NMLS Resource Center for more information.</p> <p>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.</p> <p>Note: All applications will be on hold until the applicant is able to obtain a background check.</p> | <p>NMLS</p> |

Electronic Surety Bond: An applicant for a letter of exemption has the option to carry a surety bond. If the company does not carry the bond, individual originators associated with the company must each carry a bond in compliance with Revised Code 1322.32 (See the Mortgage Loan Originator License checklist, located on [Ohio's State Licensing](#) page). If the company elects to carry the surety bond, it must be in compliance with Revised Code 1322.32 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.

See the [ESB Adoption Table](#) and the [ESB for NMLS Licensees page](#) of the NMLS Recourse Center for more information.

Electronic Surety Bond in NMLS

Surety Bond Requirements Table

| <i>Amount of Mortgage Originations from previous calendar year</i> | <i>Bond Amount</i> |
|--|-----------------------|
| \$0.00 to \$10,000,000.00 | Minimum - \$50,000.00 |
| \$11,000,000.00 to \$12,000,000.00 | \$60,000.00 |
| \$13,000,000.00 to \$14,000,000.00 | \$70,000.00 |
| \$15,000,000.00 to \$16,000,000.00 | \$80,000.00 |
| \$17,000,000.00 to \$18,000,000.00 | \$90,000.00 |
| \$19,000,000.00 to \$20,000,000.00 | \$100,000.00 |
| \$21,000,000.00 to \$22,000,000.00 | \$110,000.00 |
| \$23,000,000.00 to \$24,000,000.00 | \$120,000.00 |
| \$25,000,000.00 to \$26,000,000.00 | \$130,000.00 |
| \$27,000,000.00 to \$28,000,000.00 | \$140,000.00 |
| \$29,000,000.00 to \$30,000,000.00 | Maximum \$150,000.00 |
| \$30,000,000.00 to any amount over \$30 Million | Maximum \$150,000.00 |

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

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 [ESB for NMLS Licensees page](#) of the NMLS Resource Center for more information about the Electronic Surety Bond process.



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| <input type="checkbox"/> | <p>Surety Bond Declaration and Company Resolution: Surety bonds must be accompanied by the Surety Bond declaration form if the bond amount is less than \$150,000. Surety bond not accompanied by the declaration form will not satisfy this requirement. Click here for <i>Bond Declaration and Company Resolution</i>.</p> <p>This document must be named <i>RMLA Exemption Declaration and Company Resolution</i>.</p> <p>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.</p> | <p>Upload in NMLS: under <u>Declaration</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |
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| REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS | | |
|---|---|--|
| Complete | OH Residential Mortgage Lending Act Letter of Exemption | Submitted via... |
| <input type="checkbox"/> | <p>Business Plan: Upload a business plan outlining the following information:</p> <ul style="list-style-type: none"> • Mortgage activity <ul style="list-style-type: none"> ○ 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 <p>This document should be named <i>[Company Legal Name] RM Business Plan</i>.</p> <p>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.</p> | <p>Upload in NMLS: under the Document Type <u>Business Plan</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |
| <input type="checkbox"/> | <p>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.</p> <p>This document should be named <i>[Company Legal Name] RMLA Exemption Business Continuity Plan</i>.</p> | <p>Upload in NMLS: under the Document Type <u>Business Continuity Plan</u> in the Document Uploads section of the Company Form (MU1).</p> |

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| <input type="checkbox"/> | <p>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.</p> <p>This document should be named <i>OH Certificate of Authority -or- OH Certificate of Good Standing</i>.</p> | <p>Upload in NMLS: under the Document Type Certificate of Authority/Good Standing Certificate in the Document Uploads section of the Company Form (MU1).</p> |
| <input type="checkbox"/> | <p>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:</p> <ul style="list-style-type: none"> • Internal audit plan, policies, procedures and schedule for all compliance issues including, but not limited to, PATRIOT ACT/Bank Secrecy Act, and information technology. • Policies and procedures to receive and process consumer inquiries and grievances promptly and fairly. • Download, execute, and upload the Ohio License Attestation. Click to download form. <p>This document should be named <i>[Name of Policy]</i>.</p> | <p>Upload in NMLS: under the Document Type <u>Company Staffing and Internal Policies</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |
| <input type="checkbox"/> | <p>Document Samples. Upload copies of the following sample documents used in the regular course of business in connection with this license application:</p> <ul style="list-style-type: none"> • 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 Loan Act and Regulations. If a manual recordkeeping system is used, indicate such. <u>This document should be named <i>Computer System</i></u> • The days and business hours of this proposed office. <u>This document should be named <i>Business Hours</i></u> | <p>Upload in NMLS: under <u>Document Samples</u> in the Document Uploads section of the Company Form (MU1).</p> |

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| <input type="checkbox"/> | <p>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, thereto including a list of any name changes.</p> <p>Sole Proprietor</p> <ul style="list-style-type: none"> • Applicable formation documents. <p>Unincorporated Association:</p> <ul style="list-style-type: none"> • By-Laws or constitution (including all amendments). <p>General Partnership:</p> <ul style="list-style-type: none"> • Partnership Agreement (including all amendments). <p>Limited Liability Partnership:</p> <ul style="list-style-type: none"> • Certificate of Limited Liability Partnership; and • Partnership Agreement (including all amendments). <p>Limited Partnership:</p> <ul style="list-style-type: none"> • Certificate of Limited Partnership; and • Partnership Agreement (including all amendments). <p>Limited Liability Limited Partnership:</p> <ul style="list-style-type: none"> • Certificate of Limited Liability Limited Partnership; and • Partnership Agreement (including all amendments). <p>Limited Liability Company (“LLC”):</p> <ul style="list-style-type: none"> • 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. <p>Corporation:</p> <ul style="list-style-type: none"> • 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. <p>Not for Profit Corporation</p> <ul style="list-style-type: none"> • Documents requested of a Corporation; and • Proof of nonprofit status <ul style="list-style-type: none"> ○ 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. <p>Trust (Statutory)</p> <ul style="list-style-type: none"> • Certificate of Trust; and • Governing instrument (all amendments). | <p>Upload in NMLS: under “<u>Formation Document</u>” in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>This document should be named <i>Formation Documentation [Date of Creation (MM-DD-YYYY)]</i>.</p> |
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| <input type="checkbox"/> | <p>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.</p> <p>This document should be named <i>[Company Legal Name] Management Chart</i>.</p> <p>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.</p> | <p>Upload in NMLS: under <u>Management Chart</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |
| <input type="checkbox"/> | <p>Organizational Chart/Description: Submit a chart showing (or a description which includes) the percentage of ownership of:</p> <ul style="list-style-type: none"> • All direct owners (direct ownership information must account for 100% of ownership). • Indirect owners that own or control 5% or more of the applicant. <p>This document should be named <i>[Company Legal Name] Organizational Chart – Description</i>.</p> <p>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 management chart.</p> | <p>Upload in NMLS: under <u>Organizational Chart/Description</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |

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.