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9 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
10 OF THE STATE OF CALIFORNIA

12 In the Matter of:) CRMLA License No.: 4131187
)
13 THE COMMISSIONER OF BUSINESS)
OVERSIGHT,)
14)
15 Complainant,)
) ORDER TO DISCONTINUE VIOLATION
16 v.) PURSUANT TO FINANCIAL CODE
) SECTION 50321 AND STATEMENT OF
17 KELLER MORTGAGE, LLC,) FACTS IN SUPPORT THEREOF
)
18 Respondent.) ORDER ASSESSING FINE PURSUANT TO
19) FINANCIAL CODE SECTION 50326
20)
21)
22)

23 TO: KELLER MORTGAGE, LLC
4725 Lakehurst Court, Suite 400
24 Dublin, Ohio 43016

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1 The Commissioner of Business Oversight (Commissioner) finds that:

2 STATEMENT OF FACTS

3 1. Keller Mortgage, LLC, is a licensed mortgage lender and servicer under the California
4 Residential Mortgage Lending Act (Fin. Code § 50000 et seq.) (CRMLA).

5 2. Financial Code section 50401, subdivision (a) provides that each CRMLA licensee
6 must pay an annual assessment, and that “[i]n order for the commissioner to calculate the
7 assessment... each licensee shall file an annual report for the calendar year just ended containing the
8 information required by the commissioner on or before March 1 of the year in which the assessment
9 is to be calculated.”

10 3. Financial Code section 50307, subdivision (a) further provides that “[e]ach residential
11 mortgage lender or servicer licensee shall file a report with the commissioner annually, on or before
12 the first day of March, giving the relevant information that the commissioner reasonably requires to
13 make the calculation required by subdivision (a) of Section 50401.”

14 4. Financial Code section 50326 provides that a licensee “shall forfeit to the people of
15 the state a sum of up to one hundred dollars (\$100) for every day up to the 10th day” when a licensee
16 fails “to make any report required by law or by the commissioner within 10 days from the day
17 designated for the making of the report.”

18 6. The Commissioner need not provide notice of the due date of the annual report
19 required under Financial Code sections 50401, subdivision (a) and 50307, subdivision (a).

20 7. Nonetheless, the Commissioner issued at least three notices to Keller Mortgage, LLC,
21 informing Keller Mortgage, LLC, of its duty to submit an annual report on or before March 1, 2019.

22 8. As of the date of this Order, Keller Mortgage, LLC, has not submitted its annual
23 report.

24 ORDER TO DISCONTINUE VIOLATION

25 NOW, BASED ON THE FOREGOING, AND GOOD CAUSE APPEARING, IT IS
26 HEREBY ORDERED that pursuant to Financial Code section 50321, Keller Mortgage, LLC, shall
27 immediately discontinue the violation set forth above by filing its annual report. This Order to
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1 Discontinue shall become effective immediately and shall remain in effect unless set aside by the
2 Commissioner or by a court, but this Order shall not become final except in accordance with the
3 provisions of Financial Code section 50323. It is the Commissioner’s intention to make this Order to
4 Discontinue final. The Commissioner will schedule a hearing to determine whether this Order to
5 Discontinue shall become final only upon receipt of a written request for such a hearing, as evidenced
6 by the mailing or delivery of the Notice of Defense, within thirty days of the date the Commissioner
7 serves this Order. Upon receiving a request for a hearing, the Commissioner shall set a hearing to
8 commence within fifteen business days. If the Commissioner has not received a request for a hearing
9 within thirty days of the date the Commissioner serves this Order to Discontinue, the Order will
10 become final immediately thereafter without a hearing.

11 ORDER FOR FINE

12 Pursuant to Financial Code section 50326, Keller Mortgage, LLC, is further ordered to forfeit
13 to the people of the state a fine of \$1000.00, paid in the form of a cashier’s check to the “Department
14 of Business Oversight,” and mailed to the attention of: Accounting – Litigation, at the Department of
15 Business Oversight located at 1515 K Street, Suite 200, Sacramento, California 95814. Notice of
16 payment shall be sent to Charles Carriere, Counsel, Enforcement Division, at the Department of
17 Business Oversight, located at One Sansome Street, Suite 600, San Francisco, California 94104. If
18 the Commissioner has not received a request for a hearing within thirty days of the date the
19 Commissioner serves this Order for Fine, this Order shall become final immediately thereafter
20 without a hearing and the fine payment shall be payable no later than thirty days of the date the
21 Commissioner serves this Order.

22 Dated: April 3, 2019
23 San Francisco, California

JAN LYNN OWEN
Commissioner of Business Oversight

24 By _____
25 Mary Ann Smith
26 Deputy Commissioner
27 Enforcement Division
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