



Ohio Revised Code

Section 1322.43 Supervision of mortgage loan originator and associated persons; procedures to avoid violations; remote work.

Effective: September 13, 2022

Legislation: Senate Bill 264 - 134th General Assembly

(A) No registrant and entity holding a valid letter of exemption under this chapter, through its operations manager or otherwise, shall fail to do either of the following:

(1) Reasonably supervise a mortgage loan originator or any other person associated with the registrant or entity;

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

(B) No registrant or entity holding a letter of exemption issued under this chapter shall:

(1) Receive, directly or indirectly, a premium on the fees charged for services performed by a bona fide third party;

(2) Pay or receive, directly or indirectly, a referral fee or kickback of any kind to or from a bona fide third party or other party with a related interest in the transaction, including a home improvement builder, real estate developer, or real estate broker or agent, for the referral of business.

(C)(1) Notwithstanding any provision of this chapter to the contrary, a registrant or entity holding a letter of exemption under this chapter may allow a mortgage loan originator or any other person associated with the registrant or entity to transact business on behalf of the registrant or entity from a location other than the registrant's or entity's principal office or a branch office if all of the following apply:

(a) The registrant or entity has a written policy governing the supervision of the mortgage loan



originator or other person associated with the registrant or entity while the originator or person transacts business on behalf of the registrant or entity from such a location.

(b) Access to the registrant's or entity's platform and customer information is in accordance with the registrant's or entity's written information security plan.

(c) The mortgage loan originator or other person associated with the registrant or entity does not interact with a customer at the originator's or person's residence, unless the residence is the registrant's or entity's principal office or a branch office.

(d) Physical records are not maintained at such a location.

(2) The superintendent of financial institutions may charge a registrant or entity an annual fee to cover the costs associated with administering division (C)(1) of this section. The fee shall not exceed twenty-five dollars for each location at which a mortgage loan originator or any other person associated with the registrant or entity transacts business on behalf of the registrant or entity other than the registrant's or entity's principal office or a branch office.