



Ohio Administrative Code Rule 1301:8-7-01 Definitions.

Effective: September 1, 2024

Unless otherwise specified, as used in Chapter 1322. of the Revised Code and in this chapter of the Administrative Code:

(A) "Advertisement" and "advertising" means any written or oral statement, illustration, or depiction, whether in English or any other language, that is designed to effect a sale or create interest in purchasing goods or services, whether it appears on or in a label, package, package insert, radio, television, cable television, brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, free standing insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, film, slide, audio program transmitted over a telephone system, telemarketing script, on-hold script, upsell script, training materials provided to telemarketing firms, program-length commercial ("infomercial"), the internet, cellular network, or any other medium. The term advertisement and advertising includes web pages and social media posts, but does not include de minimis promotional items such as pens, pencils, balloons, and coffee mugs.

(B) "At the time that the request for the mortgage is refused or denied" means no later than five business days from the day that the residential mortgage loan application has been refused or denied.

(C) "Borrower" means an individual who is assisted by a mortgage loan originator in applying for or obtaining a residential mortgage loan and includes a buyer.

(D) "Clerical or support duties" has the same meaning as "administrative or clerical tasks" as defined in division (A) of section 1322.01 of the Revised Code.

(E) "Credit union service organization" means an entity that a credit union, chartered and lawfully doing business under the laws of this state, another state, or the United States, invests in or loans to and that primarily provides products or services to credit unions or their members.

(F) "Financial and mortgage information" means information about a borrower or potential borrower



that is customary or necessary to include in a residential mortgage loan application.

(G) "For compensation or gain" means receives or expects to receive payment of money or anything of value in connection with the activities described in paragraph (I)(1) of this rule or as a result of any residential mortgage loan terms entered into as a result of such activities.

(H) "Leads" means financial and mortgage information about potential residential mortgage loan borrowers, including information submitted by potential borrowers who fill out online questionnaires, contests, or surveys.

(I)

(1) "Mortgage loan originator," in accordance with section 1322.02 of the Revised Code, includes an individual who for compensation or gain, or in anticipation of compensation or gain, does any of the following:

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

(b) Performs the clerical or support duties of a loan processor or underwriter as an independent contractor.

(2) "Mortgage loan originator" does not include:, :

(a) Individuals listed in division (AA)(2) of section 1322.01 of the Revised Code;

(b) An employee of a federal, state, or local government agency or housing finance agency and who acts as a mortgage loan originator only pursuant to his or her official duties as an employee of the federal, state, or local government agency or housing finance agency;

(c) An employee of a qualified exempt entity 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.



(J) "Mortgage broker" includes, in addition to those persons listed in division (Y) of section 1322.01 of the Revised Code, a person who is physically located in this state but who regularly provides or offers to provide mortgage broker services only to borrowers or for property located in other states.

(K) "NMLS" means the "nationwide mortgage licensing system and registry" or "nationwide multi-state licensing system" or any subsequent name for the registry adopted by "Conference of State Bank Supervisors" and the "American Association of Residential Mortgage Regulators."

(L) "Originate," "originating," "origination," and "act as a mortgage loan originator" mean to do any of the acts set forth in paragraph (I)(1) of this rule or in division (AA)(1) of section 1322.01 of the Revised Code.

(M) "Other equivalent consensual security interest" includes a retail installment sale as that term is defined in division (A) of section 1317.01 of the Revised Code and a land installment contract as defined in division (A) of section 5313.01 of the Revised Code.

(N) "Person" includes, without limitation, a natural person, corporation, limited liability company, partnership, association, or other entity listed in division (EE) of section 1701.01 of the Revised Code.

(O) "Principally" means more than fifty per cent of the total time worked in a calendar month, or in a longer period as determined by the superintendent for good cause shown.

(P) "Qualified exempt entity" means a person holding a valid letter of exemption issued pursuant to section 1322.05 of the Revised Code.

(Q) "Resident of this state" does not include an individual who is purchasing a primary residence in another state.

(R) "Residential mortgage loan application" or "loan application" means a request, in any form, for an offer (or a response to a solicitation of an offer) of residential mortgage loan terms, and the information about the borrower or prospective borrower that is customary or necessary in a decision



on whether to make such an offer.

(S) "Settlement service provider" means a person who provides settlement services as that term is defined in 12 C.F.R. 1024.2, as in effect on May 1, 2024.

(T) "Takes or offers to take a residential mortgage loan application" means receives a residential mortgage loan application for the purpose of facilitating a decision whether to extend an offer of residential mortgage loan terms to a borrower or prospective borrower (or to accept the terms offered by a borrower or prospective borrower in response to a solicitation), whether the application is received directly or indirectly from the borrower or prospective borrower.

(U) "Transaction of business as a mortgage broker in this state" means the origination of a residential mortgage loan in any of the following circumstances:

(1) For any resident of this state;

(2) For any property in this state;

(3) By a person who is physically located in this state but who regularly provides or offers to provide mortgage broker services only to borrowers or for property located in other states.