STATE OF OHIO
DEPARTMENT OF COMMERCE
Division of Financial Institutions
Consumer Finance

In the matter of:	)	Case No. M2008-675
	)	
JEAN E. MURRAY	)	**DIVISION ORDER**
3419 State Route 131	)	**Imposition of Fine**
Fayetteville, Ohio 45118	)	**&**
	)	**Notice of Appellate Rights**
	)	

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions (the "Division"), is charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act ("OMBA"), codified in Ohio Revised Code ("R.C.") Chapter 1322, and finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the OMBA.

Respondent, Jean E. Murray ("Respondent"), held a loan officer license ("License") issued by the Division pursuant to the OMBA. On January 8, 2009, the Division notified Respondent that it intended to revoke her License and impose a fine pursuant to R.C. 1322.10(A)(2) because:

A. In accordance with R.C. 1322.10(A)(1)(a), the superintendent of the Division may revoke a loan officer license if the superintendent finds that a loan officer has committed a "violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code[.]"

B. The Division is authorized by R.C. 1322.10(A)(2) to impose a fine upon Respondent for her violations of a law or rule.

C. Since at least 2002, Respondent was the operations manager of JEM.

D. As the operations manager of JEM, Respondent was responsible for the day to day operations of JEM and compliance with R.C. Chapter 1322 and the rules adopted thereunder. See, R.C. 1322.01(H), R.C. 1322.03(A)(3) and Ohio Admin. Code 1301:8-7-02(L).

E. In or about 1997, JEM submitted an application for a certificate of registration in order to transact business under R.C. 1322.01 to 1322.12.

F. In or around 1997, certificate of registration 1707 (now MB 801391) was issued to JEM and Respondent was its sole shareholder throughout its time of registration.

G. The Division is authorized by R.C. 1322.06(A) to examine mortgage broker records that "[pertain] to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code.

H. R.C. 1322.06(B) requires registrants to "maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code" and prohibits registrants from failing to comply.

I. In a compliance examination conducted pursuant to R.C. 1322.06 on May 15, 2008, it was determined that JEM files did not contain signed closing disclosure documents as required by Ohio Admin. Code 109:4-3-23.

J. In a compliance examination conducted pursuant to R.C. 1322.06 on May 15, 2008, it was determined that JEM failed to accurately disclose the amount of broker compensation and/or change in broker compensation as required by R.C. 1322.062 and R.C. 1322.064.

K. In a compliance examination conducted pursuant to R.C. 1322.06 on May 15, 2008, it was determined that JEM failed to refund to the buyer the undisclosed broker compensation as required by R.C. 1322.064(C).

L. Ohio Admin.Code 1301:8-7-13(F) provides that if, "[a]s part or in the furtherance of any examination pursuant to division (A) of section 1322.06[,] . . . the superintendent or his authorized representatives requests a written response . . .the . . .registrant, licensee . . . shall deliver a written response and any requested information within the time period specified in the request."

M. R.C. 1322.072 prohibits a registrant from knowingly failing to cooperate with an investigation.

N. On July 10, 2008, the Division issued a compliance examination letter to Respondent at JEM's address of record outlining the issues uncovered in the May 15, 2008 compliance examination and requesting a written response within thirty days. Respondent failed to respond to the Division's July 10, 2008 letter, which was not returned by the U.S. Postal Service to the Division.

O. As operations manager, Respondent was responsible for JEM'S compliance with R.C. Chapter 1322.

P. Because JEM violated Ohio Admin.Code 109:4-3-23, R.C. 1322.062, and R.C. 1322.064, Respondent has violated R.C.1322.07(C).

Q. As a result of the actions listed in paragraph N above, Respondent violated R.C. 1322.072 and Ohio Admin. Code 1301:8-7-13(F).

R. Because Respondent violated R.C.1322.07(C), 1322.072, and Ohio Admin.Code 1301:8-7-13(F), the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent's loan officer license and to impose a fine.

S. A fine of three thousand dollars ($3,000) is reasonable, appropriate, and necessary for Respondent's violations of R.C. Chapter 1322 and the rules promulgated thereunder.

The Notice also informed Respondent that she had thirty (30) days to request an adjudicatory hearing pursuant to R.C. Chapter 119 regarding the Division's allegations set forth in the Notice.

Respondent requested an administrative hearing, which was held on April 13, 2009. Respondent appeared without counsel. The hearing officer's Report and Recommendation (Report) was filed with the Division on May 6, 2009 (a copy is attached). No Objections by Respondent were filed. The Report found that the Division's evidence supported a License revocation by finding violations of Ohio Admin. Code 109:4-3-23, R.C. 1322.062, R.C. 1322.064, and R.C. 1322.064(C). However, the Recommendation states that the Division should grant Respondent leniency and not revoke Respondent's License. The Report also found that the Division should re-evaluate the proposed fine impose a fine in an amount consistent with the consideration of the factors set forth in R.C. 1322.10(A)(2).

Pursuant to R.C. 119.09, the Division may approve, modify, or disapprove the recommendation of a hearing officer based upon the Report, transcript of testimony and evidence, or objections of the parties and any additional testimony and evidence permitted. In accordance therewith, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. Any finding and/or conclusion not specifically addressed in the attached Memorandum in Support is approved, adopted and incorporated herein. Therefore, in accordance with the Recommendation, the Division has weighed the evidence and considered the factors listed within R.C. 1322.10(A)(2)(a) through (e). The Division hereby imposes a fine of three thousand dollars ($3,000.00) against Jean E. Murray. The Division does not Order a revocation of the License of Jean E. Murray.

Respondent, Jean E. Murray, is hereby ordered to pay the Division a fine in the amount of three thousand dollars ($3,000.00). Payment shall be in the form of a cashier's check or money order, made payable to "Treasurer of State," and, within ninety (90) days of Respondent's receipt of this Order, shall be submitted with a copy of this Order to: Ohio Division of Financial Institutions, Attn: Stephen DeFrank, Consumer Finance Attorney, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

IT IS SO ORDERED.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Division Order may be appealed by filing a notice of appeal with the Division setting forth the Order that Respondent is appealing from and stating that the Division's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may also include, but is not required to include, the specific grounds for the appeal. The notice of appeal must also be filed with the appropriate court of common pleas in accordance with R.C. 119.12. In filing the notice of appeal with the Division or court, the notice that is filed may be either the original notice or a copy of the original notice. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Division Order.

Signed and sealed this 10th day of December, 2010.

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CAROLYN L. BRADFORD
Superintendent
Division of Financial Institutions
Ohio Department of Commerce