

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

In the matter of:)	Case No. 05-0027-LOD
)	
JASON S. SANDERS)	<u>DIVISION ORDER</u>
2743 Mull Avenue)	Denial of Loan Officer License Application
Copley, OH 44321)	&
)	Notice of Appellate Rights
)	

Respondent, Jason S. Sanders ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on October 26, 2004. On March 21, 2005, the Division notified Respondent that it intended to deny his loan officer license application ("Application") because: (1) Respondent attested in a sworn statement that information he provided in his Application was complete and truthful when it was not; (2) Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (3) Respondent violated R.C. 1322.07(A), (B), and (C) by attesting to the accuracy of the Application and not disclosing his criminal history in his Application, which was filed with the Division; and (4) because Respondent's character and general fitness do not command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of R.C. sections 1322.01 to 1322.12, the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on May 12, 2005. A Report and Recommendation ("Report") was filed with the Division on August 30, 2005, recommending that the Division approve Respondent's Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted and incorporated herein. (The Report is attached).

The Division disapproves of paragraphs 8, 10, 11, and C ("DISCUSSION") on pages 5 and 6 of the Report. The hearing officer's statement that intent is a necessary element to establish a violation of 1322.07 is incorrect. R.C. 1322.07(A), (B), and (C) do not require a

deliberative act to establish a violation. In contrast to 1322.07(E) and (F), which contain language of intent by use of the term “knowingly”, R.C. 1322.07(A), (B), and (C) do not employ such language. An applicant who, regardless of intent, fails to carefully read and answer each question in a loan officer application, swears to its veracity, and then files such application with the Division is in violation of R.C. 1322.07(A), (B), and (C) if his answer is untrue.

Here, Respondent failed to disclose his criminal background on the Application. Respondent’s testimony as noted in paragraphs 9 and 11 of the Report indicates that he did not give much thought to his criminal history even though he was convicted of crimes a mere six months prior to submitting the Application. Yet, Respondent affirmed before a notary that his Application was “complete and true” and shortly thereafter filed the Application, containing a false answer as to his criminal history, with the Division. (State’s Ex. 2). Respondent’s actions constitute a violation of 1322.07(A), (B), and (C).

The Division also disapproves of the second sentence of paragraph 6 on page 5. The inability to understand a direct question evidences a lack of the requisite fitness needed of a loan officer. On a daily basis loan originators deal with consumers’ personal financial information and counsel them on what is most often their largest financial investment. Being able to comprehend and evaluate complicated mortgage documents is a vital part of the job. By not being able to understand a direct question on a licensing application, respondent has demonstrated to the Division that he does not hold the requisite fitness needed to be a loan officer.

Upon consideration of the record, the Division hereby rejects the hearing officer’s recommendation. The loan officer license application of Jason S. Sanders is denied.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed by filing a notice of appeal with the Ohio Division of Financial Institutions setting forth the Order appealed from and the grounds for the appeal. A copy of such notice of appeal must also be filed with the court of common pleas of the county in which the place of business of the Respondent is located, or the county in which the Respondent is a resident. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Order.

Signed and sealed this 25th day of October 2006.

ROBERT M. GRIESER

Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce