

**STATE OF OHIO
DEPARTMENT OF COMMERCE**

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DIVISION OF FINANCIAL
INSTITUTIONS

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IN THE MATTER OF: :
: DIVISION OF FINANCIAL
: INSTITUTIONS
CHRISTOPHER L. MORGAN :
: CASE NO. 06-0012-LOD
: :
:

**REPORT AND RECOMMENDATION
ADMINISTRATIVE HEARING OFFICER D. MICHAEL QUINN**

March 22, 2006

I. FINDINGS OF FACT

A. BACKGROUND

The above-captioned matter came before this Hearing Officer, an attorney licensed to practice law in Ohio, and duly appointed by the Ohio Division of Financial Institutions (hereinafter the "Division") to serve as Hearing Officer for an adjudicative hearing in accordance with the Administrative Procedures Act, Chapter 119, Ohio Revised Code (hereinafter "O.R.C."). Said hearing was scheduled for 10:00 AM on March 1, 2006, at 77 South High Street, 19th Floor, room 1918, Columbus, Ohio.

The hearing was held at the request of Respondent Christopher L. Morgan, of Dayton, Ohio (hereinafter the "Respondent") to consider the Division's Notice of Intent to Deny Loan Officer License Application, Notice of Opportunity for a Hearing (hereinafter "NOH"). Said NOH was based upon an allegation that Respondent had pleaded guilty to Robbery with Physical Harm and is thereby ineligible to hold a license as a Mortgage Loan Officer. The Division appeared and was represented by the Ohio Attorney General's Office, Assistant Attorney General Daniel P. Jones. Neither Respondent nor any

representative appeared or submitted a written statement, even though the start of the hearing was delayed until 10:59 AM.

At the hearing, State's Exhibits A, B, C, E, F, G, H and I were admitted into the record. One witness appeared for the Division.

B. JURISDICTION

The Division issued the NOH against Respondent on January 13, 2006. Respondent requested a hearing, received by the Division on February 2, 2006. On February 9, 2006, the Division scheduled the hearing for February 14, 2006, all within the requirements of Chapter 119, O.R.C. The Division continued the original date of the hearing to March 1, 2006, on its own motion, at which time the hearing went forward without any further communication from Respondent or anyone representing Respondent.

C. PROPOSED ISSUANCE OF ORDER TO DENY LICENSE

1. The Division is the state agency responsible for the licensing and regulation of Mortgage Loan Officers pursuant to O.R.C. Chapter 1322.
2. Respondent is an individual who has conducted, and wishes to continue to conduct, business in Ohio as a Mortgage Loan Officer (hereinafter "Loan Officer.") (Exhibits A, C.)
3. On or about August 31, 2005, the Division received from Respondent a Loan Officer Application (hereinafter the "first Application"), signed by Respondent on August 8, 2005. (Exhibit A.)
4. The first Application was incomplete. By letter dated September 19, 2005, the Division notified Respondent that the Certificate of Employment in the Application was notarized but not signed and, for the Application to be reviewed, a complete Application must be submitted. (Exhibits A, B.)
5. Respondent resubmitted a complete Application (hereinafter the "second Application"), signed September 26, 2005. (Exhibit C.)
6. On Question 5 of the first Application and Question 6 on the second Application, which asks if the applicant has been convicted of any criminal offense, Respondent responded "Yes" and referred to a Robbery conviction. (Exhibits A, C.)

7. An investigation by the Division determined that, on, or around, January 2, 2001, in Montgomery County Common Pleas Court, Respondent pleaded Guilty to Robbery with Physical Harm, a felony of the second degree, and a finding was made of guilty. Respondent was sentenced to be incarcerated for two years on, or about February 20, 2001. On, or about, April 23, 2002, the Court suspended incarceration and placed Respondent on community control for up to five years and ordered him to pay restitution of \$1,500. On, or about June 14, 2004, the Court terminated community control. (Exhibit E.)
8. Respondent did not appear or otherwise offer any evidence relating to his honesty, truthfulness, good reputation and that there is no basis in fact for believing that he would not commit such offenses again.

II. CONCLUSIONS OF LAW

A. JURISDICTIONAL ISSUE

1. The Division procedurally complied with O.R.C. Chapter 119.

B. LICENSE APPLICATION

2. In 2001, Respondent was convicted of Robbery with Physical Harm "a criminal offense involving theft" and "a criminal offense involving money", an offense specifically cited in section 1322. 041(A)(3) O.R.C.
3. The theft conviction being proven by the Division, the Respondent must now prove, by a preponderance of the evidence, that the Respondent's "activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again" in order to obtain a license. The Respondent must also demonstrate that that the Respondent's character and general fitness will command the confidence of the public and will warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12, O.R.C. Sections 1322. 041(A)(3) and 1322. 041(A)(5), O.R.C.

4. Respondent did not offer any prove of his honesty, truthfulness, good reputation, or that he will not commit the offense, again.

C. DISCUSSION

The Division has proven that the theft offense occurred. The burden to prove, by a preponderance of the evidence, that he should receive a license now falls to the Respondent. As the Respondent did not appear, did not submit any written statements and, in fact, did not present any evidence at all, there must be a finding for the Division in this case.

III. RECOMMENDATION

The recommendation to the Superintendent of Financial Institutions is to **DENY A MORTGAGE LOAN OFFICER'S LICENSE TO CHRISTOPHER L. MORGAN.**

Respectfully submitted,

D. Michael Quinn
Hearing Officer
March 22, 2006
Docket No. 06-DFI-026