

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

In the matter of:	)	Case No. M2006-9992741
	)	
<b>ARK-LA-TEX FINANCIAL SERVICES, LLC</b>	)	<b>Notice of Intent to Deny Mortgage Broker</b>
<b>dba Benchmark Home Loans</b>	)	<b>Certificate of Registration Application</b>
2595 Dallas Parkway, Suite 407	)	&
Frisco, Texas 75034	)	<b>Notice of Opportunity for a Hearing</b>
	)	

---

**JURISDICTION**

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322.

**RESPONDENT**

**ARK-LA-TEX FINANCIAL SERVICES, LLC dba Benchmark Home Loans**  
("Respondent") is a foreign corporation that has applied to the Division for a mortgage broker certificate of registration pursuant to R.C. Chapter 1322. Respondent's principal business address is 2595 Dallas Parkway, Suite 407, Frisco, Texas 75034.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. § 1322.10 and R.C. Chapter 119, the Division intends to DENY Respondent's application for an Ohio mortgage broker certificate of registration.

**BASIS FOR PROPOSED ACTION**

The Division has conducted an investigation of Respondent, pursuant to R.C. § 1322.03(B) and has found the following:

1. In or around 1993, in Ruston City Court, Louisiana, Stewart G. Hunter, forty-seven and a half (47.5) percent shareholder and Vice-President of Respondent, pleaded guilty to and was convicted of **THEFT LESS THAN \$100**.
2. In or around 2003, in County Criminal Court No. 1, Denton County, Texas, Stewart G. Hunter, forty-seven and a half (47.5) percent shareholder and Vice-President of Respondent, was convicted of **CLASS C ASSAULT**.
3. On or around August 4, 2004, Stewart G. Hunter, forty-seven and a half (47.5) percent shareholder and Vice-President of Respondent, attested in a sworn statement that information he provided about his criminal background on his Schedule A disclosure form was complete and truthful when it was not.
4. On or around August 16, 2004, Respondent, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information about the criminal background of one of its senior officers and shareholders (namely Stewart G. Hunter) to the Division.

As a result, the Division has determined that:

- A. Respondent's actions, as committed by its officers, shareholders, employees, or itself, listed in Paragraphs 3 and 4 violated R.C. 1322.07(A), which prohibits a mortgage broker applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
- B. Respondent's actions, as committed by its officers, shareholders, employees, or itself, listed in Paragraphs 3 and 4 violated R.C. 1322.07(B), which prohibits a mortgage broker applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statements required by state law[.]"
- C. Respondent's actions, as committed by its officers, shareholders, employees, or itself, listed in Paragraphs 3 and 4 violated R.C. 1322.07(C), which prohibits a mortgage broker applicant from "[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
- D. Respondent has not proven that, Stewart Hunter, forty-seven and a half (47.5) percent shareholder and Vice-President, is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving passing theft. See R.C. sections 1322.04(A)(7) and 1322.10(A)(1)(b).
- E. Respondent's character and general fitness do not command the confidence of the public and warrant the belief that its business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act. See R.C. 1322.04(A)(10).

#### **NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION**

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an order denying Respondent's mortgage broker certificate of registration application.

Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed: Ohio Division of Financial Institutions, Attn: Carrie V. Moore—Consumer Finance Staff Attorney, 77 South High Street, 21<sup>st</sup> Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing for and against Respondent.

If the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of this Notice, the Superintendent will issue an order denying Respondent's mortgage broker certificate of registration.

Signed and sealed this 20<sup>th</sup> day of April 2006.

---

**ROBERT M. GRIESER**

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