

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

In the matter of:

**ELYHUE E. DUFF**  
1723 Van Lynn Road  
Akron, OH 44306

) Case No. M2009-1177  
)  
) **DIVISION ORDER**  
) **Refusal of Loan Officer License Application**  
) &  
) **Notice of Appellate Rights**

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WHEREAS, 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, as 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 Ohio Mortgage Broker Act; and

WHEREAS, Elyhue E. Duff ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on April 14, 2010, the Division issued Respondent a Notice which informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. On or about January 20, 1998, in Case No. 040997-1, the Ohio Division of Real Estate and Professional Licensing issued an Order suspending Respondent's real estate license for one year and imposing a one thousand dollar (\$1,000.00) fine for committing criminal acts while acting in his capacity as a representative sales associate.
2. On or about December 21, 1998, in Case No. 250298-1, the Ohio Division of Real Estate and Professional Licensing issued an Order revoking Respondent's real estate license for engaging in conduct requiring a real estate license while his license was under suspension.
3. On or about August 9, 2006, in Case No. 2004-000600, the Ohio Division of Real Estate and Professional Licensing issued an Order fining Respondent one thousand dollars (\$1,000.00) for engaging in conduct requiring a real estate license without a license.
4. On or about December 1, 2009, Respondent submitted an application for a loan officer license pursuant to R.C. Chapter 1322.
5. Loan officer application Question Number Eight (8) asked "Have you ever had any type of approval or application to conduct business (such as a license or certificate or authority) denied, revoked, suspended, or refused to be renewed; or have you ever

been fined by any state or federal regulatory authority or court in relation to any claim of misconduct in a business transaction?" Respondent answered "No," failing to disclose the fine imposed, the suspension and revocation of his real estate license. Therefore, Respondent made a false or fraudulent representation of a material fact or an omission of a material fact required by state law, or making a substantial misrepresentation in a license application in violation of R.C. 1322.07(A).

6. Respondent's actions, as listed above, show 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 the Ohio Mortgage Broker Act as required for issuance of a loan officer license pursuant to R.C. 1322.041(A) as effective in December 2009.
7. Because Respondent does not meet the character and fitness requirement, the Division is authorized to refuse issuance of a loan officer license pursuant to R.C. 1322.041(A).
8. Respondent failed to disclose the fine imposed against and the suspension and revocation of his real estate licensee on his loan officer license application in violation of R.C. 1322.07(A).
9. Because Respondent violated with R.C. 1322.07(A), the Division has the authority to refuse to issue Respondent a loan officer license.
10. Because Respondent violated R.C. 1322.07(A), Respondent is not in compliance with Chapter 1322 and the Division has the authority to refuse to issue Respondent a loan officer license.
11. Because Respondent does not meet the requirements of R.C. 1322.041(A) and violated R.C. 1322.07(A), pursuant to R.C. 1322.10(A)(1)(a) the Division has to authority to refuse to issue Respondent a loan officer license.

WHEREAS, the Notice informed Respondent of the Division's intent to refuse Respondent's loan officer license application and of the opportunity for a hearing regarding the refusal if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order refusing to issue Respondent a loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent via certified mail on April 14, 2010 and service was perfected;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent should be refused a license to act as a loan officer;

Respondent Elyhue E. Duff's loan officer license application is hereby REFUSED.

IT IS SO ORDERED.

**NOTICE OF RIGHT TO APPEAL**

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 26<sup>th</sup> day of May, 2010.

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**LEIGH A. WILLIS**

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