

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

In the matter of:)	Case No. 04-0243-LOD
)	
DARRELL R. MUNCY)	Notice of Intent to Deny Loan Officer License Application
3600 Stoneview Court)	&
Kettering, Ohio 45429)	Notice of Opportunity for a Hearing
)	

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. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

DARRELL R. MUNCY ("Respondent") has applied to the Division for a loan officer license. His address of record is 3600 Stoneview Court, Kettering, Ohio 45429, and his date of birth is August 30, 1949. Respondent's employer of record is Kemper Mortgage, Inc., 240 West Elmwood Drive, Suite 2010, Centerville, Ohio 45459.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license application.

BASIS FOR PROPOSED ACTION

- I. In or around 1986, the Ohio Department of Commerce, Division of Real Estate, suspended the Respondent's real estate broker's license as a result of payment from the Ohio Real Estate Recovery Fund of a judgment against him.
- II. In or around 1991, the Ohio Department of Commerce, Division of Real Estate, suspended the Respondent's real estate broker's license as a result of finding that the Respondent violated Section 4735.18(A)(6) of the R.C.
- III. In or around 1992, the Ohio Department of Commerce, Division of Real Estate, revoked the Respondent's real estate broker's license as a result of finding that the Respondent violated Section 4735.18(A) of the R.C.
- IV. In or around 1992, the Ohio Department of Commerce, Division of Real Estate, revoked the Respondent's real estate license as a result of finding that the Respondent violated Section 4735.18(A) of the R.C.
- V. In or around 1991, Case No. 91-CR-548, in the Common Pleas Court of Montgomery County, Ohio, Respondent was convicted of two counts of THEFT OVER \$300, a felony of the fourth degree, two counts of GRAND THEFT OVER \$5,000, a felony of the third degree, and one count of PASSING BAD CHECKS OVER \$300, a felony of the fourth degree.

VI. In or around 1991, Case No. 91-CR-60, in the Common Pleas Court of Montgomery County, Ohio, Respondent was convicted of two counts of GRAND THEFT OVER \$5,000, two counts of SECURING WRITINGS BY DECEPTION OVER \$5,000, one count of SELLING SECURITIES WITHOUT A LICENSE, one count of SELLING UNREGISTERED SECURITIES, one count of FRAUDULENT ACTS IN SALE OF SECURITIES.

As a result of the findings listed above, the Division has determined that:

1. Respondent has not proven that he 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 theft or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2), and (3) and 1322.041(A)(3).
2. 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. See R.C. 1322.041(A)(5).

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 a loan officer license under the Ohio Mortgage Broker Act.

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: Diane Wagenbrenner—Consumer Finance Staff Attorney, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear in person, 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 a loan officer license.

Signed and sealed this 23rd day of January, 2004.

ROBERT M. GRIESER

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

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