

) Case No. M2007-389
) **AMENDED**
) **Notice of Intent to Deny Loan Officer License Renewal**
) **and Impose Fine**
) **&**
) **Notice of Opportunity for a Hearing**

1. In or around 1989, in the Mayor's Court of Minerva, Ohio, Respondent was convicted of PETTY THEFT.
2. In or around 1990, in the Municipal Court of Massillon, Ohio, Respondent was convicted of UNAUTHORIZED USE OF AUTOMOBILE.
3. R.C. 1322.10(A)(2) provides that the Division may impose a fine of not more than one thousand dollars for each day a violation of a law or rule is committed, repeated, or continued.
4. R.C. 1322.072(A) prohibits a person from knowingly circumventing, obstructing, or failing to cooperate with an examination conducted pursuant to R.C. 1322.06(A).
5. In October and November of 2008, Respondent, operations manager for OMBA registrant Western Olympic Financial of Northern Ohio, Inc. knowingly circumvented, obstructed, and failed to cooperate with a DFI Examiner's attempts to conduct an examination of the registrant pursuant to R.C. 1322.06(A).

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

- A. Because Respondent has been convicted of two theft offenses as described in R.C. 1322.031, the Division is not authorized to renew Respondent's loan officer license pursuant to R.C. 1322.041(A)(3) & (B)(3).
- B. Respondent's actions listed in paragraph 4 above, violated R.C. 1322.072(A).
- C. Because respondent violated R.C. 1322.072(A), the Respondent does not meet the qualification for license renewal found in R.C. 1322.041(A)(2) and (B)(3).
- D. Because Respondent violated R.C. 1322.072(A), Respondent's character and 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 sections 1322.01 to 1322.12 of the Revised Code. See R.C. 1322.041(A)(6) and (B)(3).
- E. Because Respondent violated R.C. 1322.072(A), a fine of five hundred dollars (\$500) is reasonable, appropriate, and necessary.

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 loan officer license renewal application and imposing a fine of five hundred dollars (\$500) for the reasons stated in the Amended Notice above.

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: Anthony D. Siciliano, Consumer Finance General Counsel, 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's loan officer license renewal application and imposing a fine of five hundred dollars (\$500).

Signed and sealed this 9th day of January, 2009.

LEIGH A. WILLIS

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