

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

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| In the matter of: |) | Case No. M2009-160 |
| |) | |
| PATRICK V. LUCK |) | Notice of Intent to Deny Loan Officer License Application |
| 734 Eight Mile Road |) | & |
| Cincinnati, Ohio 45255 |) | 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, and the rules adopted thereunder. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

PATRICK V. LUCK ("Respondent") is an individual that has applied for a loan officer license pursuant to R.C. Chapter 1322. Respondent's date of birth is September 5, 1968. His address of record is 734 Eight Mile Road, Cincinnati, Ohio 45255. Respondent's employer of record is McKinley Mortgage, LLC., 4520 Cooper Road, Suite 101, Cincinnati, Ohio 45242.

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 application for a loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- A. DFI is empowered by R.C. 1322.041 to issue a loan officer license if DFI finds, among other things, that the applicant has complied with R.C. sections 1322.01 to 1322.12, the OMBA.
- B. DFI is authorized by R.C. 1322.10(A)(1)(a) to refuse to issue a loan officer license if DFI finds that the applicant has violated "or fail[ed] to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted under a certificate of registration[.]"
- C. R.C. 1322.041(A)(6) provides that a loan officer license shall be issued if the applicant's character and general fitness 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.

- D. R.C. 1322.07(A) prohibits an applicant from obtaining a “license through any false or fraudulent representation of a material fact or any omission of a material fact required by state law, or make any substantial misrepresentation in any registration or license application.”
- E. Respondent filed for Chapter 7 bankruptcy on April 13, 1995.
- F. On or about December 24, 2008, Respondent submitted an application for a loan officer license pursuant to R.C. Chapter 1322.
- G. Loan officer application Question Number Nine (9) asked “Have you ever filed for personal bankruptcy?” Respondent answered “No,” thus making 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).
- H. On or about December 19, 2008, Respondent attested that answers provided in his application for loan officer license submitted to the Division were complete and truthful when they were not.

As a result of the above findings, the Division makes the following conclusion:

- 1. 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. See R.C. 1322.041(A)(6).
- 2. Because Respondent did not meet the conditions for issuance outlined in R.C. 1322.041(A)(6), the Division has the authority to refuse to issuance of a loan officer license to Respondent.
- 3. Respondent made 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).
- 4. Because Respondent failed to comply with R.C. 1322.07(A), DFI has the authority to refuse to issue Respondent a loan officer license.

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 application for loan officer license.

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: Lori A. Massey, Consumer Finance Attorney Examiner, 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 application.

Signed and sealed this 8th day of October, 2009.

LEIGH A. WILLIS

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