

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

In the matter of:)	Case No. M2009-710
)	
MARK D. McCOOL)	Notice of Intent to Deny Renewal
5677 Pioneer Ridge)	&
Lawrenceburg, IN 47025)	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 ("OMBA"), 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

MARK D. McCOOL ("Respondent") is an individual that held loan officer license 029289 issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent's loan officer license expired on April 30, 2009 and a renewal application is pending. Respondent's address of record is 5677 Pioneer Ridge, Lawrenceburg, IN 47025 and his date of birth is September 30, 1967. Respondent's employer of record is United Capital Mortgage of Ohio, Inc. located at 100 Merchant Street, Suite 175, Cincinnati, Ohio 45246.

NOTICE OF PROPOSED ACTION

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

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.10(B), and has found the following:

- A. In accordance with R.C. 1322.10(A)(1)(a), the superintendent of the Division may deny the renewal of a loan officer license if the superintendent finds that a loan officer has committed a "violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code[.]"
- B. Respondent was fined two thousand five hundred dollars (\$2,500.00) in Division Case No. M2009-96 for violating R.C. sections 1322.02(A)(1) and (2), 1322.07(C), and OAC 1301:8-7-06(G).

- C. The \$2,500 fine imposed against Respondent in Case No. M2009-96 remains unpaid.

As a result of the findings listed above, the Division has determined that Respondent's failure to pay a fine imposed by the Division, constitutes improper dealings in violation of R.C. 1322.07(C) and that a denial of the renewal of Respondent's loan officer license is necessary and appropriate pursuant to R.C. 1322.10(A)(1)(a).

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 the renewal of Respondent's 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: 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 the renewal of Respondent's loan officer license renewal.

Signed and sealed this 16th day of July, 2009.

LEIGH A. WILLIS

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