

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

In the matter of:)	Case No. M2006-9992800
)	
CHARLES A. POWELL)	DIVISION ORDER
4741 East 173 rd Street)	Denial of Loan Officer License Application
Cleveland, Ohio 44128)	&
)	Notice of Appellate Rights

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 amended by Ohio Senate Bill 76 and codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division 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, Charles A. Powell ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on May 19, 2006, 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. In or around 1990, in the Bedford, Ohio, Municipal Court, Respondent pleaded guilty to and was convicted of petty theft.
2. In or around 1991, in the Cuyahoga County, Ohio, Court of Common Pleas, respondent pleaded guilty to and was convicted of attempted receiving stolen property motor vehicle, a fourth degree felony.
3. In or around 1992, in the Cuyahoga County, Ohio, Court of Common Pleas, Respondent pleaded guilty to and was convicted of attempted drug abuse, a first degree misdemeanor.
4. In or around 2004, in the Circuit Court of the Eleventh Judicial District Miami-Dade County, Florida, Respondent was convicted of assault/aggravated/police officer/firefighter/intake, a second degree felony; three counts of battery/police officer/firefighter/intake officer, all third degree felonies; and resisting officer with violence to his person, a third degree felony.
5. 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.

6. 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 by R.C. 1322.041(A)(5).
7. Respondent violated R.C. 1322.07(A), (B) and (C) by failing to disclose his criminal conviction.

WHEREAS, the Notice informed Respondent of the Division's intent to deny Respondent's loan officer license application and of the opportunity for a hearing regarding the denial 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 denying Respondent a loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail 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 denied a license to act as a loan officer;

Respondent, Charles A. Powell, is hereby denied a loan officer license.

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 7th day of July 2006.

ROBERT M. GRIESER

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