

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

In the matter of:)	Case No. 06-0045-LOD
)	
MARRION L. OWENS)	<u>DIVISION ORDER</u>
3391 Bentbranch)	Denial of Loan Officer License Application
Fairfield, OH 45011)	&
)	Notice of Appellate Rights
)	

Respondent, Marrion L. Owens (“Respondent”), first applied to the Division of Financial Institutions (“Division”) for a loan officer license issued on September 10, 2002. The 2002 application was withdrawn by operation of law. On December 13, 2004, Respondent reapplied to the Division for a loan officer license and, again, that license was withdrawn by operation of law. On May 3, 2005, Respondent submitted her third loan officer license application (“Application”) to the Division. On February 22, 2006, the Division notified Respondent that it intended to deny the Application because: (1) in or around 1991, Respondent was convicted of passing bad checks; (2) in or around 1991, Respondent was convicted of theft; (3) on or around September 9, 2002, Respondent attested in a sworn statement that information she provided about her criminal background in the Application she submitted to the Division was complete and truthful when it was not; (4) on or around September 10, 2002, in an attempt to obtain a loan officer license, Respondent provided untruthful information about her criminal background to the Division; (5) Respondent had not proven that she is honest, truthful, and of good reputation, and that there is no basis in fact for believing that she will not commit another criminal offense involving theft, passing bad checks, or any criminal offense involving money or securities; (6) Respondent violated R.C. 1322.07(A) by failing to disclose her convictions in her 2002 Application; (6) Respondent violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law in the 2002 Application; (7) Respondent violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (9) because her character and general fitness did 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 R.C. 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on May 3, 2006. Respondent failed to appear. A Report and Recommendation ("Report") was filed with the Division on October 6, 2006, recommending that the Division deny Respondent's Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Report is attached).

The Division disapproves paragraph 7 on page 4 and paragraph 8 on page 5 of the Report.

A motion was made to admit the 2002 Application, marked as Exhibit 6, into evidence and the motion was granted. (Tr., p. 43). Accordingly, the 2002 Application will be considered. In Respondent's 2002 Application, Respondent untruthfully answered and attested that she had never been convicted of any criminal offense including theft and passing bad checks. (Exh. 6). Accordingly, the Division finds that Respondent's untruthful answer about her criminal history in her 2002 application resulted in a violation of R.C. 1322.07(A), (B), and (C).

Following its review of the record, the Division hereby adopts the hearing officer's recommendation and DENIES the Application of Marrion L. Owens.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed 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 9th day of February 2007.

RICHARD F. KECK

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