

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

In the matter of:)	Case No. M2009-76
)	
RANDALL M. EVANS, JR.)	Notice of Intent to Deny Loan Officer License Application
1303 Curve Road)	&
Delaware, Ohio 43015)	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

RANDALL M. EVANS, JR. ("Respondent") has applied to the Division for a loan officer license. His address of record is 1303 Curve Road, Delaware, Ohio 43015, and his date of birth is May 14, 1981. Respondent's employer of record is Consumers Real Estate Finance Co., 655 Metro Place South, Suite 380, Dublin, Ohio 43017.

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. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse issuance of a loan officer license if the Division 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[.]"
- B. R.C. 1322.041(A) provides that a loan officer license will be issued if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (6) of R.C. 1322.041.
- C. R.C. 1322.041(A)(2) provides that a loan officer license shall be issued if the applicant complies with sections 1322.01 to 1322.12 of the revised code.
- D. R.C. 1322.052 requires each licensee to complete six hours of continuing education for every calendar year.

- E. Pursuant to Ohio Admin. Code 1301: 8-7-09(F), if an applicant previously held a loan officer license and failed to complete the continuing education requirement of section 1322.052, the prior education requirement must be completed before the superintendent will issue a new license.
- F. 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.
- G. Pursuant to Ohio Admin. Code 1301: 8-7-21(D), in making a determination of character and general fitness the superintendent shall consider whether the applicant has been refused or denied registration or licensing by any state or federal agency granted disciplinary or regulatory authority by state or federal law.
- H. Pursuant to Ohio Admin. Code 1301: 8-7-09(F), the superintendent may refuse to issue an individual a new license if he finds that based on the past non-compliance with R.C. 1322.052 the applicant'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 sections 1322.01 to 1322.12 of the revised code.
- I. Respondent held a loan officer license in calendar year 2007 which was cancelled because Respondent failed to submit an application to renew his loan officer license.
- J. In or around March 2008, Respondent submitted an application for loan officer license.
- K. On or about June 13, 2008, the Division issued a Notice of Intent to Deny Loan Officer Application and Notice of Opportunity for a Hearing to Respondent. Respondent failed to request a hearing.
- L. On or about September 22, 2008, in Case No. M2008-308, the Division denied Respondent's March 2008 application for loan officer license for failure to comply with R.C. 1322.052.
- M. In or around December 2008, Respondent submitted an application for loan officer license.

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

1. Because of his failure to complete continuing education requirements in 2007, Respondent is in violation of R.C. 1322.052.
2. Respondent was denied a loan officer license in 2008 based upon his failure to comply with R.C. 1322.052.
3. Because Respondent failed to comply with R.C. 1322.052, 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) and Ohio Admin. Code 1301:8-7-09(H).
4. Because Respondent was denied a license, 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) and Ohio Admin. Code 1301:8-7-21(D).

5. Because Respondent violated R.C. 1322.052, the Division has the authority to refuse issuance of a loan officer license to Respondent pursuant to R.C. 1322.10(A)(1)(a).
6. Because Respondent did not meet the conditions for issuance outlined in R.C. 1322.041(A)(2) and (A)(6), the Division is authorized to refuse issuance of a loan officer to Respondent 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 Respondent's loan officer license application.

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 3rd day of March, 2009.

LEIGH A. WILLIS

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