

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

In the matter of:	)	Case No. 04-0350-LOD
	)	
<b>SARAH L. OLWINE</b>	)	<b><u>DIVISION ORDER</u></b>
5439 Kettering Square North	)	<b>Denial of Loan Officer License Application</b>
Kettering, Ohio 45440	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>

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Respondent, Sarah L. Olwine, submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on February 17, 2004. On April 19, 2004, the Division notified Olwine that it intended to deny her loan officer license application because: (1) in 2001 she was convicted of unauthorized use of property and 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 unauthorized use of property<sup>1</sup> or any criminal offense involving money or securities; (2) she violated R.C. 1322.07(A) by failing to disclose her conviction on her loan officer license application; (3) she violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law on the licensing application; (4) she violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (5) 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.

Olwine requested an administrative hearing which was held on June 29, 2004. A Report and Recommendation was filed with the Division on December 21, 2004, recommending that the Division grant Respondent’s application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, 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

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<sup>1</sup>Due to clerical error the Notice of Intent to Deny contains drug trafficking, but Respondent was convicted of unauthorized use of property, not drug trafficking.

conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached).

The Division disapproves paragraph 5 in part B. LICENSE APPLICATION of the Report and Recommendation.

The burden of proof shifted to Respondent to proof that she is honest, truthful and of good reputation and that she will not commit a similar crime because she was convicted of the enumerated offense of unauthorized use of property. R.C. 1322.031(A)(2). That she answered yes to Question 5 does not shift any burden to Respondent. Additionally, it is the Division's burden to prove that her 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 law. This burden does not shift at any point to Respondent. R.C. 1322.041(A)(5).

The Division disapproves paragraph 7 in DISCUSSION of the Report and Recommendation and the recommendation under RECOMMENDATION.

Respondent did not meet her burden of proof. As the Hearing Officer mentions, she did not have any witness testify on her behalf, nor provided any letters of reference. Her conviction for unauthorized use of property occurred in 2001, and besides her own testimony there is nothing in the record to indicate how she has been conducting herself in the intervening years. Therefore she has not proven that she is honest, truthful and of good reputation and that she will not commit a similar offense again.

Additionally, Respondent violated R.C. 1322.07(A), (B) and (C) when she failed to disclose her conviction for unauthorized use of property. This demonstrates that she does not have the character and general fitness to 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. Hence, Respondent did not comply with R.C. 1322.01 through 1322.12—the Ohio Mortgage Broker Act. As a result, the record indicates that Respondent did not meet the condition for licensure outlined in R.C. 1322.041(A)(2).

For the reasons stated above, the Division hereby denies the Loan Officer License Application of Sarah L. Olwine.

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, pursuant to R.C. 119.12, 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 1<sup>st</sup> day of August 2006.

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**ROBERT M. GRIESER**

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