

FILED
DIVISION OF FINANCIAL INSTITUTIONS
2009 MAR 17

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS

IN THE MATTER OF: : CASE NO. M2008-573
:
JOHN A. SHALVEY, : LISA M. FINNEGAN
RESPONDENT. : HEARING OFFICER
:

ADMINISTRATIVE HEARING OFFICER'S
REPORT AND RECOMMENDATION
Issued March 9, 2009

I. FINDINGS OF FACT

A. Background

1. This matter came before Lisa M. Finnegan, an attorney licensed to practice law in Ohio, and duly appointed by the Ohio Department of Commerce, Division of Financial Institutions ("Division"), to serve as Hearing Officer for this hearing in accordance with the Ohio Administrative Procedure Act, Ohio Revised Code ("R.C.") Chapter 119. The Division held the hearing on January 6, 2009 at 77 South High Street, 23rd Floor, Columbus, Ohio, 43215.

2. The Division held the hearing to consider the allegations in the October 28, 2008 Notice of Intent to Revoke Loan Officer License and Notice of Intent to Impose Fine and Notice of Opportunity for a Hearing ("NOH"). In the NOH, the Division alleged that John A. Shalvey ("Respondent"), was the sole proprietor and designated operations manager of the mortgage brokerage, John A Shalvey dba The Investment Center Mortgage Co.. The Division alleges that Respondent failed to maintain records and failed to produce records in connection with a Division examination.

3. Dennis P. Smith, Jr., Esq., an Assistant Attorney General with the Executive Agencies Section of the Ohio Attorney General's Office, represented the Division at the hearing. Respondent appeared at the hearing *pro se*. Jacqueline S. Mallett, Esq. and Brenda L. Zachariah testified on behalf of the Division. The Division introduced and the Hearing Officer admitted State's Exhibits A, B, C, D, E, and F

into the record at the hearing. The parties stipulated to the authenticity and admissibility of State's Exhibits A, B, and C. Respondent brought records in electronic format to support his case. The Hearing Officer did not have the capability to review and display electronic records at the hearing and therefore did not admit that data into the record.

4. During the hearing, the parties agreed for the record to remain open until January 23, 2009 at 5:00 p.m. for Respondent to submit his electronic records as hard copies. The records could include Respondent's personal financial information as well as loan document records that he had maintained from April 2005 until May 2008. The parties also agreed for the record to remain open until January 30, 2009 at 5:00 p.m. for the Division to file a response to Respondent's documents. The Hearing Officer cautioned the parties to redact social security numbers from all documents submitted into the record.

5. On January 23, 2009, Respondent submitted documents that the Hearing Officer marked as Respondent's Exhibits 1 through 11.

6. On January 28, 2009, the parties agreed to allow the Division additional time to file a response to Respondent's exhibits and for the record to remain open until February 9, 2009 at 5:00 p.m.

7. On February 3, 2009, the Division filed a "Reply to Respondent's Submission of Additional Evidence to the Hearing Examiner Submitted January 23, 2009." The Division argued that Respondent's documents were irrelevant to the allegations and that even if found to be relevant, were incomplete and demonstrated further violations of the Ohio Mortgage Broker Act. The Hearing Officer admitted Respondent's Exhibits 1 through 11 into the record over the Division's objections.

8. The Hearing Officer closed the record at 5:00 p.m. on February 9, 2009.

B. Jurisdiction and Procedural Matters

9. On October 28, 2008, the Division sent to Respondent the NOH, which stated that Respondent had an opportunity to request a hearing on the Division's intent to revoke his loan officer license and impose a fine. The Division sent the NOH to Respondent by certified mail, return receipt requested. Service was perfected on November 1, 2008. *State's Exhibit A.*

10. On November 26, 2008, the Division received Respondent's request for a hearing on the matter. *State's Exhibit B*.

11. On December 2, 2008, the Division mailed to Respondent a notice of hearing letter, which specified the date, time, and location of the hearing. *State's Exhibit B*.

12. The Division held the hearing on the date, time, and place specified in the Division's December 2, 2008 notice of hearing letter.

C. The Division's Allegations

13. In the NOH, the Division alleged that based on its findings:

1. Respondent, while acting in his capacity as the sole owner and designated operations manager of John A. Shalvey dba The Investment Center Mortgage Co., violated R.C. Section 1322.06(B) and O.A.C. Rule 1301:8-7-06(A) by failing to maintain records pertaining to business transacted pursuant to R.C. Sections 1322.01 to 1322.12, for four years.

2. Respondent, while acting in his capacity as the sole owner and designated operations manager of John A. Shalvey dba The Investment Center Mortgage Co., violated R.C. Section 1322.072(A) of the Ohio Mortgage Broker Act by knowingly failing to produce records in connection with a Division examination. By knowingly failing to produce records, Respondent also violated O.A.C. Rule 1301:8-7-13(F) for which, pursuant to O.A.C. Rule 1301:8-7-13(H), the superintendent may revoke Respondent's loan officer license.

3. Respondent's actions violated R.C. Section 1322.07(C), which prohibits a loan officer from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."

4. Respondent's actions as listed above show 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.

5. As a result of these violations, the Division may levy a fine of up to one thousand dollars (\$1,000.00) for each of Respondent's violations.

6. Because Respondent violated R.C. Sections 1322.06(B), 1322.07(C), 1322.072(A), and O.A.C. Rules 1301:8-7-06(A) and 1301:8-7-13(F), the Division is levying a fine of five thousand dollars (\$5,000.00).

7. A fine in the amount of five thousand dollars (\$5,000.00) is reasonable, appropriate and necessary.

State's Exhibit A.

D. Respondent's Activities – The Investment Center Mortgage Co.

14. Respondent is an individual who holds a loan officer license issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent's loan officer number is LO.001441.000. The Division first issued Respondent a loan officer license on September 1, 2006. Loan officer licensees must renew their licenses annually by April 30th. Respondent renewed his loan officer license in or around April 2008. The expiration date of Respondent's license is April 30, 2009. *State's Exhibit C; Testimony of Ms. Mallett, Transcript ("Tr.") at 48-49.*

15. At all times relevant to this matter, Respondent was the sole owner and designated operations manager of the mortgage brokerage, John A. Shalvey doing business as The Investment Center Mortgage Co., located at 5863 Medallion Drive West, Westerville, Ohio 43082. *State's Exhibits A and C; Testimony of Respondent, Tr. at 20; Testimony of Ms. Mallett, Tr. at 49-50.*

16. Respondent admitted that as a mortgage broker, he was required to register the location of his office with the Division and was required to maintain records at that location. *Testimony of Respondent, Tr. at 28.*

17. In April 2005, the Division conducted a compliance examination of Respondent's mortgage brokerage business pursuant to R.C. Section 1322.06(A). Respondent understood that he was to have the mortgage brokerage's loan document records available to the Division examiner during that examination. *Testimony of Respondent, Tr. at 21-22.*

18. On May 8 and 9, 2008, the Division conducted a second compliance examination of Respondent's mortgage brokerage business. Brenda L. Zachariah, a Consumer Finance examiner with the Division, conducted the examination. Ms. Zachariah scheduled the May 2008 examination with Respondent and gave

Respondent two weeks prior notice of the examination. *Testimony of Ms. Zachariah, Tr. at 37-38; Testimony of Respondent, Tr. at 24-25.*

19. During her examination on May 8 and 9, 2008, Ms. Zachariah requested that Respondent produce the mortgage brokerage's business loan document records. Respondent was unable to produce the records and admitted to Ms. Zachariah that he kept the records at another location. *Testimony of Ms. Zachariah, Tr. at 39-40; Testimony of Respondent, Tr. at 27.*

20. The "loan document" records requested by an examiner during a mortgage broker compliance examination refer to signed copies of loan documents. Unsigned documents are insufficient for purposes of an examination. *Testimony of Ms. Mallett, Tr. at 52-53.*

21. Ms. Zachariah testified that Respondent informed her that the mortgage brokerage also had maintained records at another location at the time of the Division's 2005 mortgage broker compliance examination but had retrieved the records so that they were available for her examination. *Testimony of Ms. Zachariah, Tr. at 38-41.*

22. At the hearing, Respondent denied that he had made any admissions to Ms. Zachariah that he had kept his mortgage brokerage business records at another location prior to 2006. *Testimony of Respondent, Tr. at 74-75.*

23. Respondent explained that his sister-in-law, who lives in the Cleveland area, had been the loan processor for the mortgage brokerage for the past six years. Prior to 2006, Respondent mailed his sister-in-law the loan files. After processing the files, Respondent's sister-in-law returned the files to him at the Westerville business location where Respondent then maintained the files. *Testimony of Respondent, Tr. at 21-22, 74-77.*

24. From 2006 until approximately May 2008, Respondent continued to send loan files to his sister-in-law in Cleveland for processing; however, the loan file records primarily were stored electronically in Cleveland during this time and not at Respondent's Westerville office. Respondent obtained only one "batch" of loan documents in electronic form from his sister-in-law for storage at the Westerville office during this time. *Testimony of Respondent, Tr. at 22-25, 74-76.*

25. Respondent did not obtain permission from the Division to maintain his mortgage brokerage's loan records electronically or at a location other than the Westerville location. *Testimony of Ms. Mallett, Tr. at 51-52.*

26. Respondent did not keep his files electronically prior to 2006. *Testimony of Respondent, Tr. at 74-75.* Ms. Zachariah's testified that in April 2005, Respondent told her that his processor scanned original loan documents to disk and sent him the disk to print the documents for the Division's examination. *Testimony of Ms. Zachariah, Tr. at 39.* This testimony indicates that the loan processor for the mortgage brokerage retained hard copies of the loan documents and that the records were not maintained solely in electronic format prior to 2006.

27. Respondent asserted that he had access to the mortgage brokerage's records at all times. *Testimony of Respondent, Tr. at 80-81.* Nevertheless, Respondent admitted that he was unable to retrieve the records from his sister-in-law due to his sister-in-law's medical problems and admitted that he did not have the records available for Ms. Zachariah's May 2008 examination. *Testimony of Respondent, Tr. at 25-26, 70.*

28. On May 29, 2008, Respondent submitted a Mortgage Broker Office Closure Form ("Closure Form") notifying the Division that he was closing his business. Respondent indicated on the form that he would store the mortgage broker's loan records at 5863 Medallion Drive West, Westerville, Ohio. *State's Exhibit F.*

29. Respondent signed the following certification on the Closure Form:

"By signing below, the Mortgage Broker acknowledges the record retention requirements contained in Revised Code 1322.06 and Ohio Administrative Code 1301:8-7-06 which require a mortgage broker to maintain records pertaining to business for a period of four calendar years after loans close. If the loan is serviced by the mortgage broker, the four year retention period begins on the date the loan is paid in full or the date the mortgage broker ceases to service the loan." *State's Exhibit F.*

30. Respondent did not store the mortgage broker's loan document records at the Westerville location described on the Closure Form from May through November 2008. *Testimony of Respondent, Tr. at 27-29*

31. Respondent admitted that he did not submit any loan document records to the Division subsequent to the May 2008 examination. Respondent did not attempt to obtain the records from his sister-in-law primarily due to tension in the relationship as well as his sister-in-law's continued medical problems. *Testimony of Respondent, Tr. at 28-29, 71-72.* Respondent did bring records in electronic format to the hearing on the instant matter on January 6, 2009. *Testimony of Respondent, Tr. at 9-10, 71.*

32. The parties agreed to allow the record to remain open for two weeks to allow Respondent time to submit hard copies of the mortgage brokerages's records and for the record to remain open an additional time to permit the Division an opportunity to review those records and to file a response. On January 23, 2009, Respondent submitted his personal financial records (Respondent's Exhibit 1) and eleven files consisting of documents for loans closed by the mortgage brokerage from 2004 through 2007 (Respondent's Exhibits 2 through 11).

33. In the Division's "Reply to Respondent's Submission of Additional Evidence to the Hearing Examiner Submitted January 23, 2009," the Division argued that the mortgage brokerage records Respondent submitted were not adequately maintained in that the records lacked "HUD files," other required HUD information, and an index of all buyers as required by O.A.C. Rules 1301:8-7-06(H)(1) and 1301:8-7-06(H)(2). The Division also argued that some of mortgage broker's records lacked documents to be kept in an "Individual Buyers File" in accordance with O.A.C. Rule 1301:8-7-06(H)(3)(a) through (h).

E. Respondent's Activities – Securities Industry

34. The Division alleged in the NOH that Respondent engaged in conduct that constituted improper, fraudulent, or dishonest dealings pursuant to the Ohio Mortgage Broker Act because of his activities in the securities industry. *State's Exhibit A.*

35. In or around September 2007, Respondent entered into a Letter of Acceptance, Waiver, and Consent ("AWC") with the Financial Industry Regulatory Authority ("FINRA"). The findings in the AWC involved Respondent's activities during 2004 and 2005 wherein he failed to notify National Association of Securities Dealers ("NASD") members of his association with other NASD members prior to opening two accounts; shared in accounts without prior written authorization from customers or his employing firm; and falsified records.

The AWC barred Respondent from association with any member of NASD in any capacity and this bar is part of Respondent's permanent securities disciplinary history. *State's Exhibit E*.

36. In a separate matter, the Ohio Department of Commerce, Division of Securities ("Division of Securities"), issued a notice of opportunity for a hearing on a Cease and Desist Order in or around October 2008. *In the Matter of: John A. Shalvey, Medallion Financial Services, Inc., Order No. 08-126*. The Division of Securities alleged that in 2006, Respondent acted as a securities dealer without a license; made false representations for selling securities; and knowingly engaged in acts and practices to obtain money by means of false representation or promise in selling securities. At the time of the hearing on the instant matter, there had not yet been a resolution of the Division of Securities matter. *State's Exhibit D*.

37. In the instant matter, the Division argued that both the matters involving the AWC and the separate matter involving the Division of Securities' Cease and Desist Order constituted a violation of R.C. Section 1322.07(C), which prohibits loan officers from engaging in conduct that constitutes improper, fraudulent, or dishonest dealings.

F. The Division's Intent to Revoke Respondent's Loan Officer License and Impose a Fine

38. The Division seeks to revoke Respondent's loan officer license pursuant to R.C. Section 1322.10(A)(1)(a), and impose a fine of \$5,000.00 pursuant to R.C. Section 1322.10(A)(2) for Respondent's violation of the five provisions of law cited in the NOH, specifically: R.C. Sections 1322.06(B), 1322.07(C), 1322.072(A), and O.A.C. Rules 1301:8-7-06(A) and 1301:8-7-13(F). *Testimony of Ms. Mallet, Tr. at 57-58*.

39. The Division considered all circumstances of Respondent's case in accordance with R.C. Section 1322.10(A)(2) in assessing the amount of the fine. *Testimony of Ms. Mallet, Tr. at 59*.

40. The Division considers Respondent's violations to be serious. The Division does not believe that Respondent made a good faith effort to follow the law. *Testimony of Ms. Mallet, Tr. at 59*.

41. Respondent asserted that he had made a good faith effort to maintain mortgage brokerage records in accordance with the law. Respondent submitted

copies of the mortgage brokerage records that he kept from 2005 to 2008 to show good record-keeping. *Testimony of Respondent, Tr. at 66, 70-71; Respondent's Exhibits 2 through 11.* Respondent maintained that he took record-keeping seriously and that he did keep good records that he could obtain "at a moment's notice." *Testimony of Respondent, Tr. at 80-81.*

42. Respondent submitted personal financial records indicating that he has limited financial resources with which to pay a fine. *Respondent's Exhibit 1.*

III. CONCLUSIONS OF LAW

A. Jurisdiction

43. The Division has complied with the procedural requirements of R.C. Chapter 119 and has established jurisdiction over this matter.

B. Proposed Revocation of Respondent's Loan Officer License and Fine

44. The Division is responsible for the licensing and regulation of mortgage broker loan officers pursuant to the Ohio Mortgage Broker Act, R.C. Chapter 1322.

45. Respondent is, and has been at all time relevant to this matter, an Ohio licensed loan officer and is subject to the laws in R.C. Chapter 1322 and the rules promulgated pursuant to that Chapter.

46. Respondent was, at all times relevant to this matter, the sole proprietor and operations manager of the mortgage brokerage, John A. Shalvey doing business as The Investment Center Mortgage Co. Respondent's loan officer license was associated with this mortgage broker.

C. Failure to produce records – R.C. Section 1322.072(A) and O.A.C. Rule 1301:8-7-13(F)

47. The Division has alleged that Respondent knowingly failed to produce records at the Division's May 2008 mortgage broker compliance examination in violation of R.C. Section 1322.072(A) and O.A.C. Rule 1301:8-7-13(F).

48. R.C. Section 1322.072(A) provides that no person, in connection with any examination or investigation conducted by the superintendent of the Division under R.C. Sections 1322.01 to 1322.12, shall knowingly circumvent, interfere with,

obstruct, or fail to cooperate, including making false or misleading statements, failing to produce records, or intimidating or suborning any witness.

49. O.A.C. Rule 1301:8-7-13(F) provides that

“As part or in furtherance of any examination pursuant to division (A) of section 1322.06 of the Revised Code, or any investigation in accordance with division (B) of section 1322.10 of the Revised Code, if the superintendent or his authorized representatives requests a written response, or the submission of books, records, documentation, or other information, the applicant, registrant, licensee, or person shall deliver a written response and any requested information within the time period specified in the request. If no time period is specified, the written response and any required submissions shall be delivered to the superintendent not later than thirty days after the date of such request, as indicated in the upper right hand corner of the request.”

50. Approximately two weeks prior to the May 2008 compliance examination, the Division’s examiner notified Respondent that she would be conducting an examination of the mortgage brokerage’s loan document records on May 8, 2008. Respondent admitted that he was aware that he was required to produce records for the Division at that time. The evidence shows that Respondent did not produce the loan documents for the examiner during the May 2008 examination. The evidence also shows that Respondent did not submit the loan document records to the Division thirty days subsequent to the examination.

51. Respondent’s failure to knowingly produce records for the Division’s May 2008 compliance examination constitutes a violation of R.C. Section 1322.072(A) and O.A.C. Rule 1301:8-7-13(F).

D. Failure to maintain records – R.C. Section 1322.06(B) and O.A.C. Rule 1301:8-7-06(A)

52. The Division has alleged that Respondent, as the operations manager, failed to maintain the mortgage brokerage’s records pertaining to business transacted pursuant to R.C. Sections 1322.01 to 1322.12 for four calendar years, in violation of R.C. Section 1322.06(B) and O.A.C. Rule 1301:8-7-06(A).

53. R.C. Section 1322.06(B) provides that a registrant shall maintain records pertaining to business transacted pursuant to R.C. Sections 1322.01 to 1322.12,

including copies of all mortgage loan origination disclosure statements prepared in accordance with R.C. Section 1322.062, for four years, and that no registrant shall fail to comply with this section.

54. O.A.C. Rule 1301:8-7-06 states that:

(A) In accordance with division (B) of section 1322.06 of the Revised Code, a registrant shall maintain records pertaining to business transacted pursuant to sections 1322.01 to 1322.12 of the Revised Code for four calendar years. If the loan is not serviced by the registrant, the retention period commences on the date the loan is closed or, if the loan is not closed, the date of the withdrawal or turndown of the loan application. If the loan is serviced by the registrant, the retention period commences on the date the loan is paid in full or the date the licensee ceases to service the loan.

(B) If a person surrenders its certificate of registration or otherwise ceases to engage in business as a mortgage broker, such person shall nonetheless preserve the records required by this rule.

(C) All books and records shall be kept in this state in a registered office that is readily accessible to the division of financial institutions. Should a registrant wish to maintain such records elsewhere, it must submit a written request to the superintendent and receive written authorization prior to said books, accounts, and records being maintained in any place other than the registered in-state office location designated on the registration application.

55. Respondent argued that he did maintain records and provided evidence that he had kept copies of loan documents. Maintaining records pursuant to O.A.C. Rule 1301:8-7-06; however, requires not only keeping copies of loan documents, but also storing them at a registered, in-state office location where they are readily accessible to the Division. Respondent admitted that he was aware of this requirement; however, he did not store the records at the Westerville office from 2006 through November 2008.

56. Accordingly, Respondent's failure to maintain records constitutes a violation of R.C. Section 1322.06(B) and O.A.C. Rule 1301:8-7-06(A).

E. Fraudulent dealings – R.C. Section 1322.07(C)

57. The Division has alleged that Respondent's conduct in the securities industry constituted improper, fraudulent, or dishonest dealings in violation of R.C. Section 1322.07(C).

58. R.C. Section 1322.07(C) provides that no mortgage broker, registrant, licensee, or applicant for a certificate of registration or license shall engage in conduct that constitutes improper, fraudulent, or dishonest dealings.

59. The Division of Financial Institutions cited the Division of Securities' notice of opportunity for a hearing on a Cease and Desist Order as evidence of Respondent engaging in conduct that constitutes improper, fraudulent, or dishonest dealings. The Division of Securities' notice of opportunity for a hearing on a Cease and Desist Order to Respondent is not a final determination in that matter, and does not, of itself, constitute evidence of improper, fraudulent, or dishonest dealings on the part of Respondent in violation of R.C. Section 1322.07(C).

60. In addition to the Division of Securities matter, the Division of Financial Institutions also cited the AWC as evidence that Respondent engaged in conduct in the securities industry that constituted improper, fraudulent, or dishonest dealings for purposes of the mortgage broker industry pursuant to R.C. Section 1322.07(C). The AWC contains findings by the NASD of Respondent's failure to notify member securities firms of his association with each member, of Respondent sharing in securities accounts, and of Respondent's falsification of records.

61. In the NOH, the Division also cited R.C. Section 1322.041(A)(6) to show that a licensed loan officer's character and general fitness must 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.

62. As set forth in the AWC, Respondent engaged in conduct that consisted of improper, fraudulent, or dishonest dealings and as such, this activity constitutes a violation of R.C. Section 1322.07(C).

F. Penalty

63. R.C. Section 1322.10(A)(1)(a) states that after notice and opportunity for a hearing, the Division may suspend or revoke a license if the Division finds a violation or failure to comply with R.C. Sections 1322.01 to 1322.12 or the rules adopted under those sections.

64. The Division has established that Respondent violated R.C. Sections 1322.06(B), 1322.07(C), 1322.072(A), and O.A.C. Rules 1301:8-7-06(A) and 1301:8-7-13(F). Accordingly, the Division may suspend or revoke Respondent's loan officer license pursuant to R.C. Section 1322.10(A)(1)(a).

65. R.C. Section 1322.10(A)(2) states that the Division may impose a fine of not more than one thousand dollars, for each day a violation of law or rule is committed, repeated, or continued. If the licensee engages in a pattern of repeated violations of a law or rule, the Division may impose a fine of not more than two thousand dollars for each day the violation is committed, repeated, or continued.

66. R.C. Section 1322.10(A)(2) states further that in determining the amount of a fine to be imposed pursuant to this division, the Division shall consider the following:

- (a) The seriousness of the violation;
- (b) The registrant's or licensee's good faith efforts to prevent the violation;
- (c) The registrant's or licensee's history regarding violations and compliance with Division orders;
- (d) The registrant's or licensee's financial resources;
- (e) Any other matters the superintendent considers appropriate to enforcing R.C. Sections 1322.01 to 1322.12.

67. In the NOH, the Division stated its intention to impose a fine upon Respondent of \$5,000.00.

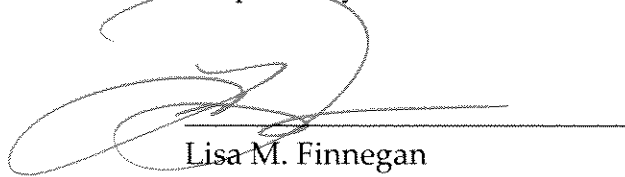
68. The Division established that it considers Respondent's violations to be serious and that it did not believe Respondent to have made a good faith effort to follow the law, which included a prior history in 2005 of noncompliance. Despite the violations, Respondent showed that he did make an effort to keep copies of loan documents, which he produced after the hearing. Respondent also explained the circumstances surrounding his failure to produce the documents for the May

2008 examination. Additionally, Respondent submitted evidence indicating limited financial resources.

III. RECOMMENDATION

Based upon the evidence submitted into the record for this case, the Division has established a sufficient evidentiary basis for revoking Respondent's loan officer license pursuant to R.C. Sections 1322.06(B), 1322.07(C), 1322.072(A), and O.A.C. Rules 1301:8-7-06(A) and 1301:8-7-13(F), and for imposing a fine. Therefore, the Hearing Officer respectfully recommends that the Division revoke Respondent's 2008 loan officer license. The Hearing Officer also respectfully recommends that the Division take note of Respondent's financial resources and impose a fine commensurate with his ability to pay.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Lisa M. Finnegan', is written over a horizontal line. The signature is stylized with a large, looping initial 'L'.

Lisa M. Finnegan
Administrative Hearing Officer
March 9, 2009