

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

In the matter of:)	Case No. 06-0097-LOD
)	
JASON D. WERNER)	<u>DIVISION ORDER</u>
7465 Lewis Road)	Denial of Loan Officer License Application
Olmsted Falls, OH 44138)	&
)	Notice of Appellate Rights
)	

Respondent, Jason Werner ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on May 13, 2005. On January 27, 2006, the Division notified Respondent that it intended to deny his loan officer license application ("Application") because: (1) Respondent attested in a sworn statement that information he provided in his Application was truthful when it was not; (2) Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (3) Respondent violated R.C. 1322.07(A), (B), and (C) by attesting to the accuracy of the Application and not disclosing his criminal history in his Application, which was filed with the Division; and (4) because 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 R.C. sections 1322.01 to 1322.12, the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on March 14, 2006. A Report and Recommendation ("Report") was filed with the Division on October 26, 2006, recommending that the Division deny Respondent's Application. Objections were filed with the Division on November 13, 2006.

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, Respondent's objections, as well as all applicable laws. (The Hearing Examiner's Report is attached).

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

Violations of R.C. 1322.07 (A), (B), and (C) do not require intent.¹ Respondent answered “no” to Question 5 of the Loan Officer License Application. (See State’s Ex. A). As determined, Respondent did violate R.C. 1322.07 (A), (B) and (C).

Therefore the Division denies the loan officer license application of Jason D. Werner.

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 1st day of December 2006.

ROBERT M. GRIESER

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

¹ R.C. 1322.07 (E) and (F) contain language of intent by using the term “knowingly,” whereas R.C. 1322.07 (A), (B), and (C) do not.