

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

In the matter of:)	Case No. 05-0083-LOD
)	
DOUGLAS C. RUSSELL)	<u>DIVISION ORDER</u>
8183 Trail Lake Drive)	Non-Revocation of Loan Officer License
Powell, Ohio 43065)	&
)	Notice of Appellate Rights

Respondent, Douglas C. Russell, holds an active loan officer license issued by the Division of Financial Institutions. On April 1, 2004, the Division notified Russell that it intended to revoke his loan officer license because: (1) he failed to complete the required six hours of continuing education for calendar year 2002; and (2) by failing to take the six hours of continuing education, he violated R.C. 1322.052.

Russell requested an administrative hearing which was held on September 23, 2004. A Report and Recommendation was filed with the Division on December 10, 2004, recommending that the Division not revoke Respondent's loan officer license. 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 conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached).

The Division disapproves paragraphs 13 and 14 on page 4 of the Report and Recommendation.

As part of her responsibilities Ms. Roszak coordinates all of the continuing education requirements for the state of Ohio. She is therefore in the unique position of being the employee in the Division who is most knowledgeable about continuing education requirements for loan

officers. Any information that would be in the database would have been inputted personally by Ms. Roszak, and therefore her testimony concerning her personal knowledge of an individual case should be afforded the same level of credibility that Respondent's was granted. (Transcript pg. 19).

The rules of evidence are relaxed at administrative hearings. (Transcript pg. 6). Therefore, the insistence of the hearing officer for a print out of the database as stated in paragraphs 13 and 14 of the report and recommendation is not justified. The issue is not what information was contained in the database; it is whether or not respondent took his continuing education hours by the Division's deadline. Therefore, that a printout of the contents of the database was not entered into evidence has no bearing on the determination of the case or the accuracy of Ms. Roszak's testimony.

As Respondent has proven that he completed the required six hours of continuing education, thus complying with R.C. 1322.052, the recommendation of the hearing officer to not revoke Respondent's loan officer license is accepted.

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 1st day of August 2006.

ROBERT M. GRIESER
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce