

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

In the matter of:)	Case No. M2009-878
)	
KATHLEEN M. BERNICKEN)	<u>DIVISION ORDER</u>
3959 Preserve Crossing Blvd. West)	Denial of Loan Officer Renewal Application
Columbus, OH 43230)	&
)	Notice of Appellate Rights

WHEREAS, 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, as codified in Ohio Revised Code ("R.C.") Chapter 1322, and finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, Kathleen M. Bernicken ("Respondent") applied to the Division to renew her loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on November 2, 2009, the Division issued Respondent a Notice which informed her that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent filed her renewal application with the Division on May 1, 2009. Respondent did not submit a one-hundred dollar (\$100.00) penalty to the Division;
2. In letters dated June 25, 2009 and July 20, 2009, the Division informed Respondent that it had not received the one-hundred dollar (\$100.00) late renewal penalty;
3. As of the date of the Notice, Respondent had not submitted the one-hundred dollar (\$100.00) late renewal penalty to the Division;
4. As a result of the findings listed above, the superintendent is authorized by R.C. 1322.10(A)(1)(a) to deny Respondent's loan officer license renewal application for failure to timely file the late renewal penalty as required by R.C. 1322.041(C)(1).

WHEREAS, the Notice informed Respondent of the Division's intent to deny Respondent's loan officer license application and of the opportunity for a hearing regarding the denial if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order denying Respondent a loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on November 2, 2009, however, the Division was unable to obtain service upon Respondent at the address

Respondent provided, and the Division published the Notice in accordance with R.C. Chapter 119 in the (*Columbus*) *Daily Reporter* for three (3) consecutive weeks;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent should be denied renewal of her loan officer license;

Respondent, Kathleen M. Bernicken's loan officer renewal application is hereby DENIED.

It is so ordered.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 12th day of January, 2010.

LEIGH A. WILLIS

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