

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

In the matter of:)	Case No. 05-0141-LOD
)	
DONALD F. LAMUTIS)	<u>DIVISION ORDER</u>
5673 Water Spring Way)	Denial of Loan Officer License Application
Mason, Ohio 45040)	&
)	Notice of Appellate Rights
)	

Respondent, Donald F. Lamutis ("Respondent"), submitted a loan officer license application ("Application") to the Division of Financial Institutions ("Division") on November 19, 2004. On August 9, 2005, the Division notified Respondent that it intended to deny his Application because: (1) In or around 2000, in the Supreme Court of New York, Monroe County, New York, Respondent pleaded guilty to and was convicted of petit larceny; (2) he has not proven that he is honest, truthful and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving theft or any criminal offense involving money or securities; and (3) 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 October 19, 2005. Respondent appeared without counsel. A Report and Recommendation ("Report") was filed with the Division on May 5, 2006, recommending that the Division deny Respondent's Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. (A copy of the Report is attached hereto).

The Division disapproves paragraphs 2 and 3 under heading B on page 3 of the Report.

The burdens cited in these paragraphs are not correct. The burden shifted to the Respondent in this case because he had been convicted of an enumerated offense listed in 1322.031(A)(2).

Following its review of the record, the Division hereby adopts the hearing officer's recommendation. Therefore, the Division denies the loan officer license application of Donald F. Lamutis.

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 20th day of March 2007.

RICHARD F. KECK

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