

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

In the matter of:	)	Case No. M2008-787
	)	
<b>TYLER M. DOWNING</b>	)	<b><u>DIVISION ORDER</u></b>
933-A Snowfall Spur	)	<b>Denial of Loan Officer Renewal Application</b>
Akron, OH 44313	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
	)	

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WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division 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, the Division issued Tyler M. Downing ("Respondent") a loan officer license on November 7, 2006. Respondent failed to file an application to renew his loan officer license in 2007 and therefore his license expired on April 30, 2007. On January 8, 2008, Respondent applied for a loan officer license which was issued on February 14, 2008; and

WHEREAS, On April 30, 2008, Respondent filed an application to renew his loan officer license, and the renewal application remains pending. On May 27, 2008, the Division issued Respondent an Order of Summary Suspension, Notice of Intent to Revoke & Notice of Hearing for failure to complete his continuing education in 2007 as required by R.C. 1322.052. On December 22, 2008 the Division issued an Order Continuing the Suspension of Respondent's loan officer license; and

WHEREAS, on December 22, 2008, the Division issued Respondent a Notice of Intent to Deny his Loan Officer License Renewal & Notice of Opportunity for a Hearing that informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent failed to comply with R.C. 1322.052 by not completing at least six hours of continuing education during the 2007 calendar year.
2. Because Respondent failed to comply with R.C.1322.052, the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse to renew Respondent's loan officer license.
3. In Case No. M2008-356, the Division suspended Respondent's loan officer license pursuant to R.C. 1322.10(F)(2). Because Respondent's loan officer license is suspended, Respondent does not meet the condition for renewal in R.C. 1322.041(B)(4).

WHEREAS, the Notice informed Respondent of the Division's intent to deny his 2008 loan officer license renewal 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 the application for renewal of Respondent's loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on December 22, 2008;

WHEREAS, the Notice mailed to Respondent via certified mail on December 22, 2008 was returned to the Division "unclaimed," and the Division mailed the Notice to the Respondent via ordinary mail, pursuant to R.C. 119.07, on January 22, 2009;

WHEREAS, the Notice mailed to Respondent via ordinary mail on January 22, 2009 was not returned to the Division;

WHEREAS, Respondent failed to request a hearing by the statutory deadline 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's loan officer license renewal application should be denied;

Respondent, Tyler M. Downing's loan officer license renewal application is hereby DENIED.

It is so ordered.

### **NOTICE OF APPELLATE RIGHTS**

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 26<sup>th</sup> day of February, 2009.

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**LEIGH A. WILLIS**

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