

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

Kimberly A. Zuff  
Director  
RECEIVED  
DIVISION OF FINANCIAL  
INSTITUTIONS

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In the matter of:

**SANDY ELLIS**

1956 Sperry's Forge

Westlake, OH 44145

) Case No. 05-0003-LOR  
)  
) **DIVISION ORDER**  
) **Revocation of Loan Officer License**  
) **&**  
) **Notice of Appellate Rights**

On October 20, 2005 the Division notified Respondent, Sandy Ellis ("Respondent"), that it intended to revoke her loan officer license because:

(1) In accordance with R.C. 1322.10(A)(1)(b), the superintendent of the Division may revoke a loan officer license if the superintendent finds that the licensee has been convicted or pleaded guilty to a criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities.

(2) In or around May 2005, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent was convicted of theft under R.C. 2913.02, a misdemeanor of the first degree. The basis of this conviction stemmed from allegations of shoplifting by a local retail chain store; and

(3) Based on Respondent's conviction involving theft, the division has the authority to revoke Respondent's loan officer license;

Respondent requested an administrative hearing regarding the denial of her loan officer license, and a hearing was held on July 5, 2006. A Report and Recommendation ("Report") was filed with the Division on December 22, 2006, recommending that the Division not revoke the loan officer license of Sandy Ellis. No objections were filed, however, Respondent did write the Division a letter, attached hereto, which was received on January 29, 2007.

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. 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 is attached).

The Division disapproves paragraph 5 in the Conclusions of Law and the Recommendation.

The record clearly demonstrates that Respondent was convicted of theft, a first degree misdemeanor, following a jury trial in the Court of Common Pleas, Cuyahoga County, Ohio in May 2005. (State's Exhibits 2 and 3, Tr. at p.12, 19). This conviction occurred during the time that she was licensed as a loan officer under R.C. 1322. (Tr. at 30). According to R.C. 1322.10(A)(1)(b), the Division has the authority to revoke a loan officer's license if the superintendent finds that the licensee has been convicted or pleaded guilty to a criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities.

In support of her position that her loan officer license should not be revoked, Respondent presented: her own testimony, a letter from the attorney that represented her at trial explaining certain circumstances around her conviction (Respondent's Exhibit A), a recommendation letter from the Cleveland Clinic regarding a loan program Respondent started for Doctors (Respondent's Exhibit B), 17 thank you notes, letters, and holiday cards from clients (Respondent's Exhibit C) and 65 client surveys (Respondent's exhibit D). Respondent's exhibits A and B were admitted over hearsay objections. The authors of the documents admitted as Exhibits A, B, C, and D were not made available for cross examination at the hearing.

During the hearing, Respondent appeared to want to relitigate her theft conviction, claiming that although she was convicted of theft, she in fact, did not commit theft despite a jury's finding to the contrary. She presents the hearsay statements of her attorney, who points to certain irregularities he observed during the course of her conviction and claims Respondent had several grounds to appeal this conviction. (Respondent's Exhibit A). No appeal was filed. Respondent's and her attorney's contentions do not change the fact that her theft conviction cannot be relitigated in this proceeding; therefore, it is fact that Respondent committed the offense of which she was found guilty.

In her favor, Respondent has presented statements from her clients. Admitted as Respondent's Exhibit C were thank you notes, letters, and holiday cards from clients. Admitted as Exhibit D were 65 client surveys where clients had positive experiences with Sandy Ellis as a loan officer. These statements must be considered with Respondent's theft conviction. Because this conviction is recent and occurred while Respondent held a license, the conviction overshadows the hearsay statements Respondent offered in support of her case. Because so little

time has passed since the conviction, the Division cannot find that there is no reason to believe that she will not commit another criminal offense involving theft. In the hearing, Respondent showed no remorse for the conviction and testified only to the fact that she did not believe that she stole anything. The jury found otherwise, and its decision was not appealed.

Further, because on a daily basis loan officers deal with consumers' personal financial information and counsel them on what is most often their largest financial investment, the Division takes theft convictions very seriously. The Ohio General Assembly does too. On January 1, 2007, Senate Bill 185 went into effect and now prohibits an individual with a theft conviction from receiving a loan officer license. While SB 185 is inapplicable to the present matter, it is illustrative of the seriousness of Respondent's theft conviction. Under R.C. 1322.10(A)(1)(b), both pre- and post-SB 185, the Division may revoke a license of a loan officer with a theft conviction. R.C. 1322.10(E) makes such a revocation permanent. Given Respondent's utter lack of remorse for the conviction and the Division's duty to protect the public, the Division finds that Respondent's loan officer license should be revoked.

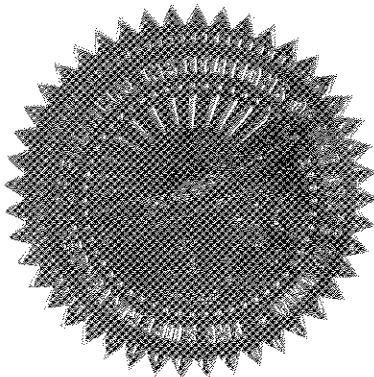
For the reasons stated above, the Division hereby revokes the loan officer license of Sandy Ellis. Pursuant to R.C. 1322.10(E), such revocation shall be permanent.

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, 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 27<sup>th</sup> day of FEBRUARY 2007



A handwritten signature in cursive script, reading "Richard F. Keck", written over a horizontal line.

**RICHARD F. KECK**

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