

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

In the matter of:)	Case No. 04-0243-LOD
)	
DARRELL R. MUNCY)	<u>DIVISION ORDER</u>
9517 Arboridge Lane)	Denial of Loan Officer License Application
Miamisburg, Ohio 45342)	&
)	Notice of Appellate Rights

On May 16, 2002, Darrell R. Muncy ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On January 23, 2004, the Division issued Respondent a notice of the Division's intent to deny Respondent's application, and notified Respondent of his right to a hearing on the matter. Respondent requested a hearing, and pursuant thereto, an administrative hearing was held in accordance with Ohio Revised Code Chapter 119 on March 17, 2004.

The hearing officer filed his written report and recommendation with the Division on May 17, 2004, recommending that the Division deny Respondent's application. A copy of the report and recommendation and a letter explaining Respondent's right to submit written objections to the report was served on Respondent. Respondent filed objections. Respondent's objections were considered.

Respondent's objection 8 on page 2 of his written objections to hearing examiner's report notes that Muncy's real estate license was reinstated after the 1986 suspension. Respondent offers no proof of this reinstatement. It should also be noted that Respondent's license was revoked in 1992. (See Exhibit 7).

In accordance with R.C. § 119.09, the Division has considered the Report and Recommendation, applicable laws, the transcript of testimony and the exhibits. As a result, the Division modifies and /disapproves the findings and/or conclusions listed below. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached hereto as Exhibit A.)

- The Division modifies paragraph 1(c) on page 1 of the Report and Recommendation.

Paragraph 1(c) on page 1 reads:

"In or around **2002**, the Ohio Department of Commerce, Division of Real Estate, revoked Mr. Muncy's real estate broker's license as a result of finding that Mr. Muncy violated Section 4735.18(A) of the Ohio Revised Code;" (Emphasis added.)

The Ohio Department of Commerce, Division of Real Estate, revoked Mr. Muncy's real estate broker's license in 1992, not 2002. Paragraph 1(c) on page 1 shall read:

“In or around 1992 , the Ohio Department of Commerce, Division of Real Estate, revoked Mr. Muncy’s real estate broker’s license as a result of finding that Mr. Muncy violated Section 4735.18(A) of the Ohio Revised Code;”

- The Division modifies paragraph 8 on page 2 of the Report and Recommendation.

Paragraph 8 on page 2 reads:

“The hearing on Wednesday, March 17, 2004, began at 10:30 a.m. in Room 1908 of the Vern Riffe Center, 77 S. High Street, Columbus, Ohio. Attending were James M. Evans, an Assistant Attorney General of Ohio in the Executive Agencies Section, David M. Duwel and the Respondent.”

Respondent had two witness testify on his behalf at the hearing, namely Christopher Rhines and Jason Messer. Paragraph 8 on page 2 shall read:

“The hearing on Wednesday, March 17, 2004, began at 10:30 a.m. in Room 1908 of the Vern Riffe Center, 77 S. High Street, Columbus, Ohio. Attending were James M. Evans, an Assistant Attorney General of Ohio in the Executive Agencies Section, David M. Duwel and the Respondent. Christopher Rhines and Jason Messer were also present.”

- The Division modifies paragraph 4 on page 6 of the Report and Recommendation.

Paragraph 4 on page 6 reads:

“The Respondent testified about his difficulty in finding work because of his prior felony conviction. (Tr. 31). He as able to land a job with an advertising company called JB Dollar Savers, a coupon newsletter. (Id). He began work for Kemper Mortgage in **1991**. (Tr. 31). He has had no complaints from customers since that time. (Tr. 32).” (Emphasis added.)

Respondent did not work for Kemper until 2001. Paragraph 4 on page 6 shall read:

“The Respondent testified about his difficulty in finding work because of his prior felony conviction. (Tr. 31). He has able to land a job with an advertising company called JB Dollar Savers, a coupon newsletter. (Id). He began work for Kemper Mortgage in 2001. (Tr. 31). He has had no complaints from customers since that time. (Tr. 32).”

The Division disapproves the 6th sentence of paragraph 12 on page 7.

As noted above, Respondent’s real estate license was revoked in 1992, not 2002. 1992 cannot be classified as “...the relatively recent past”.

Upon consideration of the hearing officer's report and recommendation, the Division confirms and approves the recommendation. Accordingly, Respondent's application for a loan officer license is hereby denied.

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 22nd day of November 2005.

ROBERT M. GRIESER

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