

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

In the matter of:)	Case No. M2007-236
)	
DARREN R. TOLAN)	<u>DIVISION ORDER</u>
P.O. Box 340222)	Denial of Loan Officer License Application
Beavercreek, OH 45434)	&
)	Notice of Appellate Rights
)	

Respondent, Darren Tolan (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on March 22, 2007. On June 7, 2007, the Division notified Respondent that it intended to deny his Application because: (1) in or around 1989, in the District Court of Jefferson County, Alabama, Respondent was convicted of Theft of Property; (2) in or around 2005, in the El Paso County, Texas, 346th Judicial District, Respondent pleaded guilty to and was convicted of Injury to a Child, a felony of the third degree; (3) because Respondent was convicted of a theft offense as described in R.C. 1322.031(A)(2), the Division is not authorized to issue a loan officer license to Respondent, pursuant to R.C. 1322.041(A)(3); and (4) 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 August 22, 2007. Respondent did not appear. A Report and Recommendation (“Report”) was filed with the Division on September 6, 2007, and stated that the Division had not complied with R.C. 119.07. Upon motion, the record was re-opened to permit the Division the opportunity to show compliance with R.C. 119.07. The Division submitted a notice of publication addressed to Respondent and an affidavit of publication from the *Beavercreek News Current* newspaper, which was admitted into the record, labeled as State’s Exhibit “F” to prove compliance with the notice requirements of R.C. 119.07. An Amended Report was filed with the Division on November 16, 2007 finding that the Division complied with R.C. 119.07 and recommending denial of the Application.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Reports, the transcript of testimony and exhibits, as well as all applicable laws. (Copies of the Reports are attached hereto). Following its review of the record, the Division hereby adopts the hearing officer's recommendation in the Amended Report. Therefore, the Division denies the Application of Darren Tolan.

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 22nd day January of 2008.

LEIGH A. WILLIS

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