

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

In the matter of:)	Case No. M2008-691
)	
MELVIN LALICH)	Notice of Intent to Deny Loan Officer License Renewal
1334 West 54th Street)	&
Cleveland, Ohio 44102)	Notice of Opportunity for a Hearing
)	

JURISDICTION

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

MELVIN LALICH ("Respondent") is an individual that held a loan officer license issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent's loan officer license expired on April 30, 2008, and Respondent filed an application to renew his license; that renewal application remains pending. Respondent's employer of record is Top Flite Financial, Inc., 6065 Frantz Road, Suite 103, Dublin, Ohio 43017.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's renewal application for a loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew a loan officer license if the Division finds that the licensee has violated "or fail[ed] to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted[.]"
- B. R.C. 1322.041(B)(2) provides that a loan officer license will be renewed annually if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (6) of R.C. 1322.041.
- C. R.C. 1322.041(A)(6) provides that a loan officer license shall be issued if the applicant's character and general fitness 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 sections 1322.01 to 1322.12 of the revised code.

- D. Pursuant to Ohio Admin. Code 1301: 8-7-21(H), in making a determination of character and general fitness the superintendent shall consider whether the applicant has failed to fully satisfy any judgment or award issued by any court of competent jurisdiction, or any administrative fine imposed by any state or federal regulatory body.
- E. In January 2008, in Cuyahoga County Common Pleas Court case *Thomas Siebert, et al. v. Melvin Lalich* (Case No. CV 04 542704), final judgment was entered in favor of the Plaintiffs against Respondent in the amount of \$18,000.00 plus costs and interest. In February 2008, Certificate of Judgment No. JL08320849 was entered against Respondent for Thomas Siebert and Debora Siebert related to the judgment entered in Case No. CV04542704.
- F. In or about April 2008, Respondent submitted his loan officer license renewal application to the Division, disclosed the January 2008 civil judgment entered against him and provided statements to the Division that he had not satisfied the judgment and made no payments on the judgment.
- G. Respondent's actions, as described in paragraph F, show 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 the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(6) and Ohio Admin. Code 1301: 8-7-21(H).
- H. Because Respondent did not meet the conditions for renewal outlined in R.C. 1322.041(A)(6) and (B)(2), the Division has the authority to refuse to renew Respondent's loan officer license.

NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an order denying the application for renewal of Respondent's loan officer license.

Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed: Ohio Division of Financial Institutions, Attn: Lori A. Massey, Consumer Finance Attorney Examiner, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear in person, by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing for and against Respondent.

If the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of this Notice, the Superintendent will issue an order denying the application for renewal of Respondent's loan officer license.

Signed and sealed this 20th day of February, 2009.

LEIGH A. WILLIS

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