

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

In the matter of:	)	Case No. 03-LO-D-47-48
	)	
<b>ROBIN MICHELLE SPEARS</b>	)	<b>Notice of Intent to Deny Loan Officer License</b>
8322 Marley Street	)	&
Cincinnati, Ohio 45216	)	<b>Notice of Opportunity for a Hearing</b>
	)	

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**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. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

**RESPONDENT**

ROBIN MICHELLE SPEARS ("Respondent") has applied to the Division for a loan officer license. Her address of record is 8322 Marley Street, Cincinnati, Ohio 45216, and her date of birth is April 1, 1975. Respondent's employer of record is Fidelity Mortgage, Inc., located at 7730 Montgomery Road, in Cincinnati, Ohio.

**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 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:

1. In or around 1993, in the Hamilton County Court of Common Pleas, Ohio, Respondent was convicted of the offense of THEFT, a felony of the fourth degree.
2. Respondent violated R.C. 1322.07(A) and 1322.07(B) by failing to disclose the criminal offense(s) listed in the paragraph(s) above on his/her loan officer license. R.C. 1322.07(A) prohibits an applicant for a loan officer license from "[o]btain[ing] a \*\*\* license through any false or fraudulent representation of a material fact or any omission of a material fact required by state law, or [from] making any substantial misrepresentation in any \*\*\* license application[.]" R.C. 1322.07(B) prohibits an applicant for a loan officer license from "[m]ak[ing] false or misleading statements of a material fact, omissions of statements required by state law[.]"

As a result of the findings listed above, the Division has determined that:

1. Respondent has not proven that he/she is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he/she will not commit another criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).

2. 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)(5).

**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 Respondent a loan officer license under the Ohio Mortgage Broker Act.

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: Amanda Axtell, Esq., 77 South High Street, 21<sup>st</sup> 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 Respondent a loan officer license.

Signed and sealed this 30<sup>th</sup> day of April, 2003.

  
**ROBERT M. GRIESER**

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