

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

In the matter of:)	Case No. M2009-359
)	
PHENON WALKER)	ORDER OF SUMMARY SUSPENSION,
23702 Lorain Road)	NOTICE OF INTENT TO DENY RENEWAL
North Olmsted, Ohio 44070)	&
)	NOTICE OF HEARING

DIVISION ORDER

WHEREAS, 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; and

WHEREAS, Phenon Walker ("Respondent") held loan officer license number 001900 in calendar year 2008. Her address of record is 23702 Lorain Road, North Olmsted, Ohio 44070, and her date of birth is March 16, 1961. Respondent's employer of record is West Shore Realty Lenders, Inc. 14508 Madison Avenue, Lakewood, Ohio 44107 ; and

WHEREAS, R.C. 1322.10(F)(2) requires the Division to suspend, without a prior hearing, the license of a licensee who failed to fulfill the continuing education requirements of R.C. 1322.052 until such time as the required continuing education is completed and a fine of five hundred dollars (\$500.00) is paid to the treasurer of state to the credit of the consumer finance fund; pursuant to Ohio Administrative Code section 1301:8-7-08(C)(4), an individual with a suspended license is not permitted to originate residential mortgage loans; and

WHEREAS, Respondent failed to timely fulfill the continuing education requirements of R.C. 1322.052 for calendar year 2008; and

WHEREAS, on or about May 16, 2009, Respondent completed the six hours of CE, and, at the Respondent's request, the Division applied the CE to her calendar year 2008 CE deficiency; and

WHEREAS, Respondent failed to pay the statutory fine of five hundred dollars (\$500.00); and

Pursuant to R.C. 1322.10(F)(2), loan officer license number 001900 issued to Respondent is hereby **SUSPENDED**.

It is so ordered.

NOTICE OF INTENT TO DENY LOAN OFFICER LICENSE RENEWAL

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 loan officer license renewal application.

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 deny a loan officer license renewal application 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. Respondent previously held a loan officer license during the 2008 calendar year.
- C. R.C. 1322.052 requires every licensed loan officer to complete at least six (6) hours of approved continuing education ("CE") every calendar year (by December 31st).
- D. Respondent completed the required 6 hours of CE credit for the 2008 calendar year in 2009; however, she failed to pay the statutory fine of five hundred dollars (\$500) as required by R.C. 1322.10(F)(2).
- E. Because Respondent failed to comply with R.C. 1322.10(F)(2), the Division is authorized under R.C. 1322.10(A)(1)(a) to deny Respondent's loan officer license renewal application.
- F. Respondent's license is subject to an order of suspension for failure to satisfy the requirements of R.C. 1322.10(F)(2).
- G. Because Respondent's license is subject to an order of suspension, Respondent does not meet the renewal requirement set forth in R.C. 1322.041(B)(4).

NOTICE OF HEARING

Therefore, pursuant to R.C. 1322.10(F)(4), R.C. Chapter 119 and Section 1301:8-7-27 of the Ohio Administrative Code, Respondent is hereby notified that a hearing shall be held on **Friday, July 17, 2009 at 10:00 a.m.** on the continuation or termination of the suspension imposed herein and on the Notice of Intent to Deny your loan officer license renewal application. Said hearing will be held in **Room 1936, located on the 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street in Columbus.**

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.

Signed and sealed this 19th day of June 2009.

LEIGH A. WILLIS

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