

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

In the matter of:)	Case No. M2008-310
)	
JOSEPH M.D. JACKSON)	Notice of Intent to Deny Loan Officer License Application
8372 Paddock Court)	and Impose a Fine
Mentor, Ohio 44060)	&
)	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. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

JOSEPH M.D. JACKSON ("Respondent") has applied to the Division for a loan officer license. His address of record is 8372 Paddock Court, Mentor, Ohio 44060, and his date of birth is January 23, 1976. Respondent's employer of record is Consumers Real Estate Finance Co. d/b/a Consumer Real Estate Finance Co., 655 Metro Place South, Suite 380, 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 loan officer license application and impose a FINE.

BASIS FOR PROPOSED ACTION

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

- I. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to issue a loan officer license if the Division finds that the licensee or applicant has violated or failed "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[.]"
- II. The Division is authorized by R.C. 1322.10(A)(2) to "[i]mpose of fine of not more than one thousand dollars, for each day a violation of law or rule is committed, repeated or continued. If the registrant or licensee engages in a pattern of repeated violations of law or rule, the Division may impose a fine of not more than two thousand dollars for each day the violation is committed, repeated, or continued."
- III. In or around 2006, Respondent submitted a loan officer license application.

- IV. In or around April 2007, the Division issued a loan officer license to Respondent that expired on April 30, 2007.
- V. Respondent did not submit an annual renewal application in 2007 to renew his loan officer license.
- VI. After April 30, 2007, Respondent continued to work as a loan officer and brokered at least twenty-two (22) residential mortgage loan transactions.
- VII. After April 30, 2007, Respondent earned commissions and other wages in excess of forty-four thousand dollars (\$44,000.00) for brokering residential mortgage loans after his loan officer license expired.

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

- 1. Respondent violated R.C. 1322.02(B), which prohibits any person from acting as a loan officer without first having obtained a license from the superintendent.
- 2. Because Respondent committed repeated and continued violations of R.C. 1322.02(B), the Division may impose a two thousand dollar (\$2,000.00) fine for each of Respondent's twenty-two violations.
- 3. Because Respondent engaged in conduct that violated Chapter 1322, 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).
- 4. Because Respondent failed to comply with R.C. 1322.02(B), the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse issuance of a loan officer license to Respondent and impose a fine of forty-four thousand dollars (\$44,000.00) pursuant to R.C. 1322.10 (A)(2).

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 and ordering payment of a forty-four thousand dollar (\$44,000.00) fine 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: Lori A. Massey - 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 Respondent's loan officer license application and ordering payment of a forty-four thousand dollar (\$44,000.00) fine.

Signed and sealed this 2nd day of May, 2008.

LEIGH A. WILLIS

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