

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

In the matter of:)	Case No. M2007-381
)	
ROBERT D. MCCOY)	Notice of Intent to Deny Loan Officer License Renewal
5593 Weffler Road)	&
Bradford, Ohio 45308)	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, as 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

ROBERT D. MCCOY ("Respondent") is an individual that holds a loan officer license issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent has applied to the Division for renewal of his loan officer license, which expired April 30, 2007. Respondent's address of record is 5593 Weffler Road, Bradford, Ohio 45308, and his date of birth is February 14, 1985. Respondent's employer of record is KTL Performance Mortgage, LTD., 201 East Fifth Street, Greenville, Ohio 45331.

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 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. On or around December 16, 2003, in the County Court of Darke County, Ohio, Respondent was convicted of Theft, a misdemeanor of the first degree.
- B. On or around March 2, 2005, Respondent attested in a sworn statement that information provided about his criminal background on the loan officer license application submitted to the Division was complete and truthful, when it was not.

- C. On or around March 3, 2005, Respondent provided incomplete or untruthful information about Respondent's criminal background to the Division in an attempt to obtain a loan officer license.
- D. On or around March 15, 2006, Respondent attested in a sworn statement that information provided about his criminal background on the loan officer license application submitted to the Division was complete and truthful, when it was not.
- E. On or around March 16, 2006, Respondent provided incomplete or untruthful information about Respondent's criminal background to the Division in an attempt to obtain a loan officer license.

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

- 1. Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2), and therefore, the Division is not authorized to renew Respondent's loan officer's license, pursuant to R.C. 1322.041(B)(3).
- 2. Respondent's actions listed in Paragraphs B through E violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
- 3. Respondent's actions listed in Paragraphs B through E violated R.C. 1322.07(B), which prohibits a loan officer applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]"
- 4. Respondent's actions listed in Paragraphs B through E violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
- 5. As a result of Respondent's violation of R.C. 1322.07(A), (B) and (C), the Division is authorized to deny Respondent's loan officer license renewal application. See R.C. 1322.041(B)(3) and (A)(2); R.C. 1322.10(A)(1)(a).

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's loan officer license renewal 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: Jason K. Wright, 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 his/her 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 renewal.

Signed and sealed this 20th day of July 2007.

RICHARD F. KECK

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