

**STATE OF OHIO
DEPARTMENT OF COMMERCE**

RECEIVED
DIVISION OF FINANCIAL
INSTITUTIONS
06 MAR 27 PM 1:41

IN THE MATTER OF:

PATRICK M. McNAMARA

DIVISION OF FINANCIAL
INSTITUTIONS

CASE NO. 05-0176-LOD

**REPORT AND RECOMMENDATION
ADMINISTRATIVE HEARING OFFICER D. MICHAEL QUINN**

March 27, 2006

I. FINDINGS OF FACT

A. BACKGROUND

The above-captioned matter came before this Hearing Officer, an attorney licensed to practice law in Ohio, and duly appointed by the Ohio Division of Financial Institutions (hereinafter the "Division") to serve as Hearing Officer for an adjudicative hearing in accordance with the Administrative Procedures Act, Chapter 119, Ohio Revised Code (hereinafter "O.R.C."). Said hearing was scheduled for 10:00 AM on March 15, 2006, at 77 South High Street, 19th Floor, room 1924, Columbus, Ohio.

The hearing was held at the request of Respondent Patrick M. McNamara, of Avon, Ohio (hereinafter the "Respondent") to consider the Division's Notice of Intent to Deny Loan Officer License Renewal, Notice of Opportunity for a Hearing (hereinafter "NOH"). Said NOH was based upon an allegation that Respondent had failed to complete six hours of continuing education during the 2004 calendar year and is thereby ineligible to renew his license as a Mortgage Loan Officer. The Division appeared and was represented by the Ohio Attorney General's Office, Deputy Attorney General Matthew Lampke. Neither Respondent nor any representative appeared or submitted a written statement, even though the start of the hearing was delayed until 10:49 AM.

At the hearing, State's Exhibits A through F were admitted into the record. One witness appeared for the Division.

B. JURISDICTION

The Division issued the NOH against Respondent on December 21, 2005. Service of the NOH was perfected on January 13, 2006. Respondent requested a hearing, received by the Division on January 27, 2006. On January 31, 2006, the Division scheduled the hearing for February 6, 2006. The Division continued the original date of the hearing to March 15, 2006, on its own motion, at which time the hearing went forward without any further communication from Respondent or anyone representing Respondent.

C. PROPOSED ISSUANCE OF ORDER TO DENY RENEWAL OF LICENSE

1. The Division is the state agency responsible for the licensing and regulation of Mortgage Loan Officers pursuant to O.R.C. Chapter 1322.
2. Respondent is an individual who has conducted, and wishes to continue to conduct, business in Ohio as a Mortgage Loan Officer (hereinafter "Loan Officer.") Respondent was licensed as a Loan Officer in 2004. (Exhibits A, E, F.)
3. On or about November 2, 2004, March 26, 2005 and March 29 2005 the Division sent communications to Respondent to remind him of his obligation to renew his license and the requirement that, to renew the license, he must have completed at least six hours of approved continuing education. (Exhibit D.)
4. On or after March 25, 2005, the Division received from Respondent a 2005 Loan Officer Renewal Application (hereinafter the "Renewal"), signed by Respondent on March 25, 2005. (Exhibit A.)
5. The records of the Division do not indicate that Respondent completed any hours of continuing education during year 2004. (Testimony.)
6. Respondent did not appear or otherwise offer any evidence relating to his satisfaction of the continuing education requirements.

II. CONCLUSIONS OF LAW

A. JURISDICTIONAL ISSUE

1. The Division procedurally complied with O.R.C. Chapter 119. The request for the hearing was not within the 30 days of section 119.07, O.R.C., but, because service was delayed the Division nevertheless granted Respondent's request for a hearing.

B. RENEWAL APPLICATION

2. In year 2004, when Respondent was licensed as a Loan Officer, a requirement existed that, in order to renew a Loan Officer license, the Division must find that the licensee completed at least six hours of continuing education approved by the Superintendent.
3. No indication exists that Respondent completed at least six hours of continuing education during the year 2004. The burden is on Respondent to provide satisfactory proof to the Division that he has met that requirement.
4. Respondent does not meet the continuing education requirement in order to have his license renewed for year 2005.

III. RECOMMENDATION

The recommendation to the Superintendent of Financial Institutions is to **DENY A 2005 MORTGAGE LOAN OFFICER'S LICENSE RENEWAL TO PATRICK M. MCNAMARA.**

Respectfully submitted,

—
D. Michael Quinn
Hearing Officer
March 27, 2006
Docket No. 06-DFI-022