

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

In the matter of:)	Case No. M2006-9993322
)	
JEANETTE ROBINSON)	<u>DIVISION ORDER</u>
4520 Warrensville Center Road, Apt. 311)	Approval of Loan Officer License Application
North Randall, Ohio 44128)	&
)	Notice of Appellate Rights
)	

Respondent, Jeanette Robinson (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on November 9, 2006. On February 6, 2007, the Division notified Respondent that it intended to deny her Application because: (1) Respondent was convicted of an offense listed in R.C. 1322.031(A)(2); (2) Respondent violated R.C. 1322.07(A) by substantially misrepresenting her prior criminal record in response to a question on the Application; (3) Respondent violated R.C. 1322.07(B) by making a false statement of a material fact and by omitting a statement required on the Application; (4) Respondent violated R.C. 1322.07(C), by engaging in improper or dishonest conduct; (5) pursuant to R.C. 1322.031(A)(2) and 1322.041(A)(3), Respondent has not proven that she is honest, truthful, and of good reputation, and there is no basis in fact for believing that she will not commit another criminal offense involving passing bad checks or any criminal offense involving money or securities; and (6) because 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 R.C. 1322.01 to 1322.12 – the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on April 24, 2007. Respondent appeared without counsel. A Report and Recommendation (“Report”) was filed with the Division on May 4, 2007, recommending that the Division approve Respondent's Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Report is attached hereto.)

The Division modifies paragraph 7 on page 6 of the Report.

The Report cites the case of Webb v. State Med. Bd. of Ohio (2001), 146 Ohio App. 3d 621, 2001 Ohio 3991, for the proposition that intent to deceive is a required element of R.C. 1322.07(A), (B) and (C). That case only involves a consideration of the medical board's statute, R.C. 4731.22. In the present case, involving the Ohio Mortgage Broker Act, R.C. 1322.07 (E) and (F) both contain language of intent by using the term "knowingly," whereas R.C. 1322.07 (A), (B), and (C) do not. However, in the present case, the Division is sufficiently convinced that the preponderance of the evidence presented at the April 24, 2007 hearing clearly demonstrates that Respondent did not violate either R.C. 1322.07(A), (B) or (C).

Upon consideration of the record, and for all of the foregoing reasons, the Division hereby adopts the hearing officer's recommendation and approves the loan officer license application of Jeanette Robinson.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed by filing a notice of appeal with the Ohio Division of Financial Institutions setting forth the order appealed from and the grounds for the appeal. A copy of such notice of appeal, pursuant to R.C. 119.12, must also be filed with the court of common pleas of the county in which the place of business of the Respondent is located, or the county in which the Respondent is a resident. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Order.

Signed and sealed this 1st day of June 2007.

RICHARD F. KECK

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