

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

In the matter of:)	Case No. M2008-421
)	
PAUL C. CARSON)	<u>DIVISION ORDER</u>
3449 Cheviot Avenue)	Denial of Loan Officer License Application
Cincinnati, Ohio 45211)	&
)	Notice of Appellate Rights

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, **PAUL C. CARSON** ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on August 26, 2008, the Division issued Respondent a Notice which informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

- A. The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found that on or around February 12, 2003, in the Springboro, Ohio, Mayor's Court, Respondent was convicted of Unauthorized Use of a Motor Vehicle, a misdemeanor of the fourth degree.
- B. On or around February 27, 2008, Respondent attested in a sworn statement that information he provided about his criminal background on his loan officer license application submitted to the Division was complete and truthful when it was not.
- C. On or around February 27, 2008, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division.

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

- 1. Respondent's actions listed in Paragraphs B and C violated R.C. 1322.07(A), which prohibits a loan officer applicant from "[m]ak[ing] any substantial misrepresentation in any registration or license application[.]"
- 2. Respondent's actions listed in Paragraphs B and C 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[.]"

3. Respondent's actions listed in Paragraphs B and C violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
4. Because Respondent violated R.C. 1322.07(A), (B) and (C), he is not eligible for a loan officer license under R.C. 1322.041(A)(2).
5. Respondent's actions, as listed above, show 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).
6. Respondent's actions in submitting false or incomplete information and/or omitting information in connection with a license application is grounds to deny his application for a loan officer license pursuant to O.A.C 1301:8-7-09(G).
7. The Division has determined that the Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2) and O.A.C. 1301:8-7-01(K), and, therefore, the Division is not authorized to issue a loan officer license to Respondent pursuant to R.C. 1322.041(A)(3).

WHEREAS, the Notice informed Respondent of the Division's intent to deny Respondent's loan officer license application and of the opportunity for a hearing regarding the denial if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order denying Respondent a loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on August 26, 2008, and service was perfected;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent should be denied a license to act as a loan officer;

Respondent, Paul C. Carson's loan officer license application is hereby DENIED.

It is so ordered.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 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 2nd day of October 2008.

LEIGH A. WILLIS

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