

STATE OF OHIO  
DEPARTMENT OF COMMERCE  
**DIVISION OF FINANCIAL INSTITUTIONS**  
77 South High Street, 21<sup>st</sup> Floor  
Columbus, Ohio 43215-6120

In the matter of:	)	
	)	Case No. 04-0331LOR
John C. Martenies	)	
3407 Oak Alley Ct.- Apt. 410	)	<b>Notice of Intent to Revoke</b>
Toledo, OH 43606	)	<b>Loan Officer License</b>
	)	&
	)	<b>Notice of Opportunity for a Hearing</b>
	)	

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**JURISDICTION**

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder.

**RESPONDENT**

Respondent John C. Martenies ("Respondent") holds an active loan officer license (LO# 8282) issued by the Division pursuant to R.C. 1322. Respondent's employer of record is Stonefire Mortgage, 4020 Secor Rd., Toledo, OH 43623 with the certificate of registration number MB 2622. Respondent's home address is 3407 Oak Alley Ct. – Apt. 410, Toledo, OH 43606.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. 1322.10, and pursuant to R.C. Chapter 119, the Division intends to REVOKE Respondent's loan officer license.

**BASIS FOR PROPOSED ACTION**

Pursuant to R.C. 1322.10(B), the Division conducted an investigation into the affairs of Respondent, and as a result thereof, alleges the following:

1. Respondent completed and submitted his 2004 Loan Officer Renewal Application to the Division in March 2004. The 2004 Loan Officer Renewal Application asks: "Do you have any unpaid civil judgments against you? If yes, a certified copy of the judgment entry and proof of payment history MUST be attached to this application or the application will not be processed."
2. Respondent responded "No" to the above question on the renewal application.

3. There exists a civil judgment, Case No. CI-00-4379, in the Lucas County Court of Common Pleas against Respondent John C. Martenies filed on April 22, 2003 for \$108,300. The court found that the Respondent had made "false, material misrepresentations that [he]... would pay for and assume [another person's]... mortgage with OCWEN Federal Bank, in exchange for a deed to [a certain piece of property in]... Toledo, Ohio." Upon information and belief, this judgment is unpaid.
4. According to R.C. 1322.07(A), no mortgage broker, registrant, licensee or applicant for a certificate of registration or license under sections 1322.01 to 1322.12 of the Revised Code shall obtain a certificate of registration or license through any false or fraudulent representation of a material fact or any omission of a material fact required by state law, or make any substantial misrepresentation in any registration or license application.
5. Respondent made a substantial misrepresentation on his 2004 Loan Officer Renewal Application by failing to disclose the above unpaid civil judgment against him.

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

1. Respondent violated 1322.07(A) of the Ohio Mortgage Broker Act.
2. Respondent, through his failure to satisfy the civil judgment, has failed to demonstrate that his financial responsibility, experience, character, and general fitness command the confidence of the public and warrant the belief that the business he conducts will be done honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code as required by R.C. 1322.041(A)(5).
3. Respondent's noncompliance with the Ohio Mortgage Broker Act, as described above in paragraph 1, causes the Division to believe that Respondent's character and general fitness do not command the confidence of the public and do not warrant the belief that its business will be operated honestly and fairly in compliance with the Ohio Mortgage Broker Act as required by R.C. 1322.041(A)(5).
4. Pursuant to R.C. 1322.10(A)(1)(a), the Superintendent of Financial Institutions may revoke a certificate of registration or license if the superintendent finds a violation of or failure 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 under a certificate of registration.

### **PROPOSED ACTION**

Based upon the allegations and findings above, the Division intends to REVOKE the loan officer license of John C. Martenies (LO# 8282).

**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 REVOKING THE LOAN OFFICER LICENSE of John C. Martenies (LO# 8282).

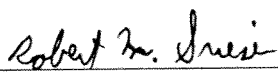
Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed to:

State of Ohio  
Department of Commerce  
Division of Financial Institutions  
Attn: Attorney Timothy C. Winslow  
77 South High Street, 21<sup>st</sup> 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 REVOKING THE LOAN OFFICER LICENSE of John C. Martenies (LO# 8282).

Signed and Sealed this 14<sup>th</sup> day of September, 2004.

  
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Robert M. Grieser  
Deputy Superintendent of Financial Institutions

cc: Emily Smith, Asst. Attorney General, Business & Government Regulation

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