

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

In the matter of:	)	Case No. 04-0146-LOD
	)	
<b>VALERIE L. ANDREWS</b>	)	<b><u>DIVISION ORDER</u></b>
7675 Reedy Road	)	<b>Denial of Loan Officer License Application</b>
Columbus, OH 43085	)	&
	)	<b>Notice of Appellate Rights</b>

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Respondent, Valerie L. Andrews, submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on April 17, 2002. On January 22, 2004, the Division notified Andrews that it intended to deny her loan officer license application because: (1) in 1992, in the Court of Common Pleas, Delaware County, Ohio she pleaded guilty to and was convicted of trafficking in marijuana, a felony of the fourth degree and has not proven that she is honest, truthful, and of good reputation, and that there is no basis in fact for believing that she will not commit another criminal offense involving drug trafficking or any criminal offense involving money or securities; (2) she violated R.C. 1322.07(A) by failing to disclose her convictions on his loan officer license application; (3) she violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law on the licensing application; (4) she violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (5) because her character and general fitness did not command the confidence of the public and warrant the belief that her 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.

Andrews requested an administrative hearing which was held on April 6, 2006. A Report and Recommendation was filed with the Division on August 3, 2006, recommending that the Division deny Respondent’s application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, 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 Hearing Examiner’s Report and Recommendation is attached).

The Division disapproves paragraphs 6, 7, and 8 on pages 6 and 7 of the Report and Recommendation.

Question number 5 on the Application specifically inquires about any prior criminal convictions, including drug trafficking. Violations of R.C. 1322.07 (A), (B), and (C) do not require intent.<sup>1</sup> Respondent answered “no” to Question 5 of the Loan Officer License Application. (See State’s Ex. 4). Respondent’s statement that she had not been convicted of any offenses is a false or misleading statement. The Division finds that Respondent’s failure to disclose her convictions is a substantial misrepresentation, thus a violation of R.C. 1322.07(A). Additionally, as found in paragraph 12 on page 8 of the Report, Respondent showed complete lack of attention to detail when she failed to determine if her drug trafficking conviction had actually been expunged.

The Division also finds that Respondent’s statement that she had not been convicted of any offenses is a false or misleading statement, thus a violation of 1322.07(B). To “omit” means “fail to include; leave out...” *Webster’s New World Dictionary, Third College Edition, 1988 p. 945*. The definition of “omit” does not include any mental state or cognitive awareness. Therefore, the Division finds that Respondent omitted a statement required by law, violating R.C. 1322.07(B). Further, the Division finds that Respondent’s failure to disclose her drug trafficking conviction, an enumerated offense, on her loan officer license application is conduct that constitutes “improper, fraudulent, or dishonest dealings” for the purposes of R.C. 1322.07(C).

Respondent violated R.C. 1322.07(A), (B), and (C). Hence, she did not comply with R.C. 1322.01 through 1322.12—the Ohio Mortgage Broker Act. As a result, the record indicates that Respondent did not meet the condition for licensure outlined in R.C. 1322.041(A)(2).

The Division approves the recommendation on page 8 of the Report and Recommendation and hereby denies the Loan Officer License Application of Valerie L. Andrews.

It is so ordered.

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<sup>1</sup> R.C. 1322.07 (E) and (F) contain language of intent by using the term “knowingly,” whereas R.C. 1322.07 (A), (B), and (C) do not.

**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 23<sup>rd</sup> day of October 2006.

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**ROBERT M. GRIESER**

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