

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

In the matter of:)	Case No. 04-0056-LOR
)	
DUSTIN J. MONTRIE)	<u>DIVISION ORDER</u>
6061 Dixon)	Revocation of Loan Officer License
Toledo, Ohio 43613)	&
)	Notice of Appellate Rights
)	

Respondent Dustin J. Montrie (“Respondent”) was issued a loan officer license by the Division of Financial Institutions (“Division”) on December 23, 2002. Because 2002 was the first year that loan officers were required to take continuing education, Respondent was given an extension until March 31, 2003, to complete his required continuing education. Respondent did not accomplish his continuing education until after the deadline. Accordingly, on April 1, 2004, the Division notified Respondent that it intended to revoke his loan officer license pursuant to R.C. 1322.10(A)(1)(a), due to Respondent’s failure to comply with the terms of R.C. 1322.052 by completing at least six hours of continuing education by March 31, 2003.

Respondent requested an administrative hearing, which was held on March 7, 2005. Respondent failed to appear. A Report and Recommendation (“Report”) was filed with the Division on August 17, 2005, recommending that the Division suspend Respondent's loan officer license. 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 Hearing Examiner’s Report and Recommendation is attached hereto.)

The Division rejects the hearing officer's recommendation in Section III on page 4 of the Report and Recommendation.

The hearing officer recommended that the Division suspend Respondent's loan officer license "for a period commensurate with the severity of the offense." The hearing officer cites R.C. 1322.10(A), which provides discretion to the Division in determining the appropriate penalty after notice and opportunity for a hearing conducted in accordance with R.C. 119. However, upon consideration of the record, the Division finds that Respondent was provided ample opportunity to repair the deficiency prior to the hearing having been conducted, and, therefore, finds the hearing officer's recommendation not well-taken.

For all the foregoing reasons, the Division hereby rejects the hearing officer's recommendation and revokes the loan officer license of Dustin J. Montrie.

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 17th day of August 2006.

ROBERT M. GRIESER
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce