

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

In the matter of:	)	Case No. 2010-183
	)	
<b>JOHN D. OATTS</b>	)	<b>Notice of Intent to Refuse Loan Officer License</b>
5199 Southminster Road	)	&
Columbus, OH 43221	)	<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 administering and enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

**RESPONDENT**

**JOHN D. OATTS** ("Respondent") is an individual who applied for a loan officer's license on or about December 8, 2009. Respondent's address is 5199 Southminster Road, Columbus, OH 43221. Respondent's employer of record is Flagship Mortgage Corporation, 100 Wilson Bridge Road, Suite 207, Worthington, OH 43085, and his date of birth is July 8, 1980.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. sections 1322.041 and 1322.10 and R.C. Chapter 119, the Division intends to Refuse Respondent's loan officer's license application.

**BASIS FOR PROPOSED ACTION**

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B) and R.C. 1322.10(B), and has found the following:

- A. Pursuant to R.C. 1322.041(A)(6), in order for a loan officer license to be issued, the Division must find that the applicant's character and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly and in compliance with the purposes of the Ohio Mortgage Broker Act.
- B. Respondent was required to submit an FBI background check as part of his application.
- C. In a letter dated December 22, 2009, the Division informed Respondent that it had not received a copy of his FBI background check.

- D. As of the date of this Notice, Respondent has not submitted an FBI background check to the Division.
- E. Because Respondent has not submitted an FBI background check to the Division, the Division cannot find that Respondent's character and general fitness meets the licensing requirement set forth in R.C. 1322.041(A)(6).

As a result of the findings listed above, the superintendent is authorized to refuse to issue Respondent a loan officer's license for failure to meet all of the requirements set forth in R.C. 1322.041(A).

**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 refusing Respondent's loan officer's license application under the Ohio Mortgage Broker Act.

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: Ohio Division of Financial Institutions, Attn: Desiree T. Shannon, Consumer Finance Attorney, 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 refusing Respondent's loan officer's license application.

Signed and sealed this 9<sup>th</sup> day of June, 2010.

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**LEIGH A. WILLIS**

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