

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

In the matter of:	)	Case No. M2009-416
	)	
<b>WILLIE J. WIMBUSH</b>	)	<b><u>DIVISION ORDER</u></b>
7298 Meadowbrook Way	)	<b>Denial of Loan Officer License Application</b>
Northfield, Ohio 44067	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>

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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, Willie J. Wimbush ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on July 6, 2009, 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:

1. On or around December 28, 1994 in the Cuyahoga County Court of Common Pleas, Respondent was convicted of FELONIOUS ASSAULT, a second degree felony in violation of R.C. 2903.11.; and
2. On or around January 14, 1995 in the Cuyahoga County Court of Common Pleas, Respondent was convicted of a theft offense, specifically ATTEMPTED ROBBERY, a second degree felony in violation of R.C. 2923.02/2911.02
3. On or around January 14, 1995 in the Cuyahoga County Court of Common Pleas, Respondent was convicted of an offense involving drug trafficking, specifically, DRUG LAW, a third degree felony in violation of R.C. 2925.03.
4. On or around January 14, 1995 in the Cuyahoga County Court of Common Pleas, Respondent was convicted of POSSESSION OF CRIMINAL TOOLS, a fourth degree felony in violation of R.C. 2923.24.
5. As a result of the finding listed in paragraph 2, the Division has determined that Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2), and, therefore, does not meet the requirement for a loan officer license pursuant to R.C. 1322.041(A)(3). See also Ohio Administrative Code section 1301:8-7-01(K).
6. Respondent's actions, as listed above, show that Respondent has not proven that Respondent is honest, truthful, and of good reputation, and that there is no basis in fact for believing that Respondent will not commit another criminal offense involving trafficking in drugs, theft, or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3)

7. 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).

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 July 6, 2009;

WHEREAS, the Notice mailed to Respondent via certified mail on July 6, 2009 was returned to the Division "refused," and the Division mailed the Notice to the Respondent via ordinary mail, pursuant to R.C. 119.07, on August 10, 2009;

WHEREAS, the Notice mailed to Respondent via ordinary mail on August 10, 2009 was not returned to the Division;

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 Willie J. Wimbush'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 10<sup>th</sup> day of November, 2009.

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**LEIGH A. WILLIS**

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