

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

In the matter of:	)	Case No. M2009-640
	)	
<b>GARY C. LIVENGOOD</b>	)	<b><u>DIVISION ORDER</u></b>
160 Elm Street	)	<b>Refusal of Loan Officer License Renewal</b>
Ravenna, OH 44266	)	&
	)	<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, 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, Gary C. Livengood ("Respondent") applied to the Division to renew his loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on April 12, 2010, 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 February 6, 2009, in the Portage County Common Pleas Court, Respondent entered a Written Plea of Guilty to indictment count one violation of R.C. 2919.21 non-support of dependents, a felony of the fifth degree.
2. On or about February 6, 2009, the Portage County Common Pleas Court accepted Respondent's written plea of guilty and convicted Respondent of felony non-support of dependents.
3. On or about April 16, 2009, the Portage County Common Pleas Court sentenced Respondent for felony non-support of dependents.
4. On or about April 30, 2009, Respondent submitted an application to renew his loan officer license pursuant to R.C. Chapter 1322. Respondent's application remains pending.
5. The 2009 loan officer renewal application asked "During the past twenty-four months: 2. Have you ever been convicted of or pled guilty or nolo contender to, or been convicted in any federal, state or military court, of a misdemeanor or criminal offense?" Respondent answered "No," thus making a false or fraudulent representation of a material fact or an omission of a material fact required by state law, or making a substantial misrepresentation in a license application in violation of R.C. 1322.07(A).

6. The 2009 loan officer renewal application asked “During the past twenty-four months: 6. Have you been subject to any federal, state or military criminal or administrative investigation or order? Please include pending or ongoing investigations.” Respondent answered “No,” thus making a false or fraudulent representation of a material fact or an omission of a material fact required by state law, or making a substantial misrepresentation in a license application in violation of R.C. 1322.07(A).
7. Respondent pleaded guilty to and was convicted of a felony in 2009.
8. Respondent failed to disclose his guilty plea and conviction to a felony on his 2009 renewal application.
9. Respondent made a false or fraudulent representation of a material fact or an omission of a material fact required by state law, or made a substantial misrepresentation in a license application in violation of R.C. 1322.07(A).
10. Because Respondent failed to comply with R.C. 1322.07(A), the Division is authorized to refuse issuance of a loan officer license to Respondent pursuant to R.C. 1322.10(A)(1(a)).
11. Because Respondent provided false information on his loan officer application, Respondent lacks the character and general fitness to 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 sections 1322.01 to 1322.12 of the revised code.
12. Because Respondent lacks the character and fitness required by R.C. 1322.041(A)(6), the Division is authorized to refuse issuance of a loan officer license pursuant to R.C. 1322.041(B) and 1322.10(A)(1)(a).

WHEREAS, the Notice informed Respondent of the Division’s intent to refuse Respondent’s loan officer license renewal application and of the opportunity for a hearing regarding the refusal 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 refusing to renew Respondent’s loan officer license[;]”

WHEREAS, the Division was unable to obtain service upon Respondent at the address Respondent provided, and the Division published the Notice in accordance with R.C. Chapter 119 in the *Portage County Legal News* for three (3) consecutive weeks;

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 refused a license to act as a loan officer;

Respondent, Gary C. Livengood's loan officer license renewal application is hereby REFUSED.

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 28<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