

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

In the matter of:)	Case No. M2007-21
)	
BRIAN L. PAULEY)	DIVISION ORDER
9139 Lakeview Drive)	Permanent Revocation of Loan Officer License
Olmstead Falls, Ohio 44138)	&
)	Notice of Appellate Rights
)	

WHEREAS, 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, 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, Brian L. Pauley ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on January 31, 2007, 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 about November 16, 2006, in the United States District Court, Northern District of Ohio, Respondent pleaded guilty to and was convicted of Bank Fraud, a Class B felony.
2. Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
3. Respondent violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
4. Respondent violated R.C. 1322.07(B), which prohibits a loan officer applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]"
5. The Division has the authority to revoke Respondent's loan officer license, as a result of Respondent's guilty pleas and conduct, as shown above. R.C. 1322.10(A)(1)(b).
6. Based on Respondent's guilty plea and conduct, as shown above, the revocation of Respondent's loan officer license shall be permanent. R.C. 1322.10(E).

WHEREAS, the Notice informed Respondent of the Division's intent to permanently revoke his loan officer license and of the opportunity for a hearing regarding the revocation 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 revoking Respondent's loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on January 31, 2007, and service was perfected;

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, Brian L. Pauley's loan officer license is hereby permanently REVOKED.

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 8th day of March 2007.

JOHN B. REARDON
Superintendent of Financial Institutions
Division of Financial Institutions
Ohio Department of Commerce