

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

In the matter of:)	Case No. M2009-953
)	
GEORGE A. MARLOWE)	Notice of Intent to Refuse Loan Officer License Renewal
8152 Edgewood Road)	&
Mentor, Ohio 44060)	Notice of Opportunity for a Hearing
)	

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 ("OMBA"), codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

GEORGE A. MARLOWE ("Respondent") is an individual that held a loan officer license issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent's loan officer license, LO.004119, expired on April 30, 2008, and Respondent filed applications to renew his license for the 2008-2009 and 2009-2010 licensure periods; those renewal applications remain pending. Respondent has no employer of record.

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 to renew Respondent's loan officer license.

BASIS FOR PROPOSED ACTION

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

- A. R.C. 1322.041(B)(3) provides that a loan officer license will be renewed annually if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (6) of R.C. 1322.041.
- B. R.C. 1322.041(A)(6) provides that a loan officer license will be issued if, among other requirements, "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 in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code."
- C. R.C. 1322.07(C) prohibits a licensee from engaging "in conduct that constitutes improper, fraudulent, or dishonest dealings."
- D. R.C. 1322.01(H), as in effect in 2008 and 2009, defines "operations manager" as "the individual responsible for the everyday operations, compliance requirements, and management of a mortgage broker business."

- E. Respondent was the operations manager of former OMBA registrant All State Home Mortgage, Inc. (MB.802505), and was therefore responsible for its compliance with the OMBA pursuant to R.C. 1322.01(H) and 1322.03(A)(3).
- F. On September 23, 2009 in cases M2009-172 and M2009-446, a Settlement and Consent Order was reached between the Division and All State Home Mortgage, Inc. in which All State Home Mortgage, Inc. admitted to violating R.C. 1322.064(A)(1)(c) and R.C. 1322.07(C) and (F).

As a result of the findings listed above, the Division has determined that:

- 1. Because of the violations admitted to by All State Home Mortgage, Inc. while Respondent was its operations manager and, therefore, responsible for its compliance with the OMBA, 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) & (B)(3).
- 2. Because Respondent does not meet the conditions for renewal outlined in R.C. 1322.041(A)(6) and (B)(3), the Division has the authority to refuse to renew Respondent's loan officer license.

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 to renew Respondent's loan officer license.

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: Anthony Siciliano, Consumer Finance General Counsel, 77 South High Street, 21st 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 to renew Respondent's loan officer license.

Signed and sealed this 28th day of April, 2010.

LEIGH A. WILLIS
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce