

**STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS**

IN RE: : **CASE #: M2006-9992939**
: **ADMINISTRATIVE HEARING**
MATTHEW S. MURRAY : **OFFICER**
(the "Applicant") : **MARK J. BALLENGER, ESQ.**
:
(Loan Officer :
License Application) :

**ADMINISTRATIVE HEARING OFFICER'S
REPORT & RECOMMENDATION
Issued November 28, 2006**

BACKGROUND

On or about August 30, 2006, the Ohio Division of Financial Institutions ("the State") served the Applicant with notice that it intended to deny the Applicant a loan officer license. On September 6, 2006, the Applicant requested a hearing about the matter. In turn, the Applicant's request was honored.

This case was heard on October 20, 2006, beginning at approximately 10:00 a.m. at 77 S. High Street, Columbus, Ohio, 23rd Floor, West Conference Room. A stenographic record was made of the proceeding. On November 13, 2006, a transcript was received for preparation of this report.

The Applicant attended the hearing, but was unrepresented by counsel. Assistant Attorney General Timothy C. Loughry represented the State.

This report is hereby filed with the Superintendent of the Division of Financial Institutions and the Applicant.

INDEX OF EXHIBITS ADMITTED TO RECORD

Exhibit #/Document I.D. Description of Exhibit

STATE'S EXHIBITS

- | | |
|------------|---|
| 1. Exh. 1 | Notice of Intent to Deny Loan Officer License Application & Notice of Opportunity for Hearing with certified mail receipts, Hearing Request Form, and notice of hearing |
| 2. Exh. 2 | Applicant's July 2006, Loan Officer Application ("Application") |
| 3. Exh. 3. | Copy of August 16, 2006, State's letter requesting additional information about his convictions in 2003 |
| 4. Exh. 4 | Applicant's response to the State's request for additional information, and court documents |

**APPLICANT'S
EXHIBITS**

5. Exh. A

Copy of letter of support for Applicant from Kevin Crooks

TESTIMONY GIVEN BY

- The Applicant

FINDINGS OF FACT

1. The State advised the Applicant of the reasons for its intent to deny the Applicant a loan officer license. (See the attached two pages, marked "Copy.")
2. In the Application, the Applicant disclosed that he was convicted of drug trafficking (Exh. #2, Question #6.) He later provided details about his three 2003 convictions, all resulting from one court case in the Common Pleas Court of Butler County, Ohio. (Exh. #4.) One was a fifth degree felony for trafficking in marijuana. The other two first degree misdemeanor convictions were for attempted trafficking in marijuana. (Ibid.) All of the activity that resulted in his convictions stemmed from the same time period and took place while he was a senior in high school. (Ibid.)
3. Since the 2003 convictions, the Applicant has not been convicted of any other criminal offenses. (Applicant's Testimony, Tr.¹ p. 18 and Exh. #4.) He has been released from probation. (Tr. p. 15.)
4. The Applicant's testimony and letter in support of his application show that he is honest, trustworthy, and of good character. (Applicant's Testimony, Tr. pp. 17-20, 22-23, and 25-29 and Exhs. #4 and #5.)


CONCLUSIONS OF LAW

The Applicant has proven by a preponderance of the evidence that his activities and employment record since his 2003 convictions show that he is honest, truthful, and of good reputation, and there is no basis in fact for believing that he would commit one of the enumerated crimes found in R.C. 1322.031(A)(2) – a requirement for licensure under R.C. 1322.041(A)(3), and he has the character to operate a loan officer business honestly and fairly – a requirement for licensure under R.C. 1322.041(A)(5). (Findings of Fact #2, #3, and #4.)

RECOMMENDATION OF ACTION

Therefore it is recommended that the Superintendent of the Division of Financial Institutions grant the Applicant's request for the issuance of a loan officer license.

Respectfully submitted,



Mark J. Ballenger
Administrative Hearing Officer

¹ "Tr." refers to the transcript of the subject hearing.