

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

In the matter of:

MARK T. WHITAKER
783 Spring Valley Drive
Lewis Center, Ohio 43035

) Case No. M2006-9992778
)
) **DIVISION ORDER**
) **Denial of Loan Officer License Application**
) **&**
) **Notice of Appellate Rights**

Respondent, Mark T. Whitaker (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on December 20, 2005. On May 8, 2006, the Division notified Respondent that it intended to deny his Application because: (1) in or around 2002, in the United States District Court, Southern District of Ohio at Columbus, Respondent was convicted of conspiracy to distribute in excess of 100 kilograms of marijuana; (2) Respondent had not proven that he is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving drug trafficking or any criminal offense involving money or securities; and (3) because 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 R.C. 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on April 17, 2007. Respondent did not appear. A Report and Recommendation (“Report”) was filed with the Division on May 2, 2007, recommending that the Division accept Respondent’s request to withdraw the Application or, in the alternative, deny the Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (A copy of the Report is attached).

The Division rejects paragraphs 10 through 13 on pages 5 and 6 of the Report.

The determination of whether or not to permit an applicant to withdraw a loan officer application lies at the discretion of the Division. Here, it was determined after the Notice of

Intent to Deny was issued, that Respondent would not be permitted to withdraw the Application and would have the opportunity to present his case at a hearing. Respondent did not appear.

For the reasons stated above, the Division hereby denies the loan officer license application of Mark T. Whitaker.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed 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, pursuant to R.C. 119.12, 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 27th day of June 2007.

RICHARD F. KECK

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