

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

In the matter of:)	Case No. M2007-396
)	
RITA A. SHORTER)	<u>DIVISION ORDER</u>
4249 West 50 th Street)	Denial of Loan Officer License Renewal
Cleveland, Ohio 44144)	&
)	Notice of Appellate Rights

Respondent, Rita A. Shorter (“Respondent”), submitted a loan officer license renewal application (“Application”) to the Division of Financial Institutions (“Division”) on or before April 30, 2007. On August 14, 2007, the Division notified Respondent that it intended to deny her Application because: (1) in or around 1988, in the Municipal Court of Rocky River, Ohio, Respondent was convicted of theft, a misdemeanor of the first degree; and (2) because Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2), the Division is not authorized to renew Respondent’s loan officer license pursuant to R.C. 1322.041(A)(3).

Respondent requested an administrative hearing, which was held on December 4, 2007. Respondent did not appear at the hearing. A Report and Recommendation (“Report”) was filed with the Division on December 26, 2007, recommending that the Division deny Respondent’s 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, the post-hearing briefs, 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 modifies paragraph 2 on page 1 of the Report.

The Division alleged in the Notice that Respondent was convicted of theft in or around 1988. Also, the Notice stated as a basis for the action that the Division is not authorized to renew Respondent’s loan officer license pursuant to R.C. 1322.041(A)(3) and (B)(3).

The Division disapproves paragraphs 27, 29, and 31 on pages 5 and 6 of the Report.

Although the Report's statements concerning Respondent's violations of R.C. 1322.07 may be correct, as the evidence shows that Respondent failed to disclose her theft conviction in her original loan officer license application, such violations were not stated in the Notice as a basis for the action. (State's Exs. 3 and 11). Therefore, the Division limits the basis of the action and this Order to Respondent's theft conviction and the statutory ban on renewing a licensee with a theft conviction per R.C. 1322.041(A)(3) and (B)(3).

The Division modifies paragraph 32 on page 6 of the Report.

The evidence submitted establishes that Respondent was convicted of theft in 1988 in the Rocky River Municipal Court; therefore, she does not meet the requirements for renewal of a loan officer license set forth in R.C. 1322.041(A)(3) and (B)(3).

For the reasons stated above, the Division hereby denies the loan officer license renewal application of Rita A. Shorter.

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, 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 11th day of February 2008.

LEIGH WILLIS

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