

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

In the matter of:	)	Case No. M2006-9992800
	)	
<b>CHARLES A. POWELL</b>	)	<b>Notice of Intent to Deny Loan Officer License Application</b>
4741 E. 173 <sup>rd</sup> Street	)	&
Cleveland, Ohio 44128	)	<b>Notice of Opportunity for a Hearing</b>
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**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, codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

**RESPONDENT**

**CHARLES A. POWELL** ("Respondent") has applied to the Division for a loan officer license. His address of record is 4741 E. 173<sup>rd</sup> Street, Cleveland, Ohio 44128, and his date of birth is June 15, 1970. Respondent's employer of record is JNLW 5010 Partners, Ltd, DBA Assured Mortgage Services, 26110 Emery Road, Suite 300, Warrensville Heights, Ohio 44128.

**NOTICE OF PROPOSED ACTION**

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license application.

**BASIS FOR PROPOSED ACTION**

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- A. In or around 1990, in the Bedford, Ohio, Municipal Court, Respondent was convicted of PETTY THEFT.
- B. In or around 1991, in the Cuyahoga County, Ohio, Court of Common Pleas, Respondent pleaded guilty to and was convicted of ATTEMPTED RECEIVING STOLEN PROPERTY MOTOR VEHICLE, a fourth degree felony.
- C. In or around 1992, in the Cuyahoga County, Ohio, Court of Common Pleas, Respondent pleaded guilty to and was convicted of ATTEMPTED DRUG ABUSE, a first degree misdemeanor.
- D. In or around 2004, in the Circuit Court of the Eleventh Judicial District Miami-Dade County, Florida, Respondent was convicted of ASSAULT/AGGRAVATED/POLICE OFFICER/FIREFIGHTER/INTAKE, a second degree felony; three counts of BATTERY/POLICE OFFICER/FIREFIGHTER/INTAKE OFFICER, all third degree felonies; and RESISTING OFFICER WITH VIOLENCE TO HIS PERSON, a third degree felony.

- E. On or around April 19, 2002, Respondent attested in a sworn statement that information he provided about his criminal background on his loan officer license application he submitted to the Division was complete and truthful when it was not.
- F. On or around April 26, 2002, in an attempt to obtain a loan officer license, Respondent provided incomplete information about his criminal background to the Division.
- G. On or around April 2004, Respondent attested in a sworn statement that information he provided about his criminal background on his loan officer license application he submitted to the Division was complete and truthful when it was not.
- H. On or around May 11, 2004, in an attempt to obtain a loan officer license, Respondent provided incomplete information about his criminal background to the Division.

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

- 1. Respondent's actions, as listed in Paragraphs A and B, show that he has 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 theft or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
- 2. Respondent's actions, as listed in Paragraphs A through H, show his 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)(5).
- 3. Respondent's actions listed in Paragraphs E through H 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's actions listed in Paragraphs E through H 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. Respondent's actions listed in Paragraphs E through H 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."

**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 denying Respondent a loan officer license under the Ohio Mortgage Broker Act.

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 D. Siciliano, Consumer Finance General Counsel, 77 South High Street, 21<sup>st</sup> 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 denying Respondent a loan officer license.

Signed and sealed this 19<sup>th</sup> day of May 2006.

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**ROBERT M. GRIESER**

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