

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

In the matter of:)	Case No. M2007-439
)	
PHILLIP M. HINES)	Notice of Intent to Deny Loan Officer License Application
836 Cherry Hills Drive)	&
Lebanon, Ohio 45036)	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, 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

PHILLIP M. HINES ("Respondent") has applied to the Division for a loan officer license. Respondent's address of record is 836 Cherry Hills Dr., Lebanon, Ohio 45036, and date of birth January 5, 1973. Respondent's employer of record is Homefront Lending, LLC., 3611 Socialville Foster Rd., Suite 104, Mason, OH 45040.

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 that:

- A. In or around 1995, in the Warren County, Ohio, Court of Common Pleas, Respondent was convicted of Breaking and Entering, a felony of the fourth degree.
- B. In or around 1992, in the County Court of Warren County, Ohio, Respondent was convicted of Falsification (Traffic), a misdemeanor of the first degree.
- C. In or around 2003, in the Lebanon, Ohio, Municipal Court, Respondent was convicted of Passing Bad Checks, a misdemeanor of the first degree.
- D. On or around June 4, 2007, Respondent attested in a sworn statement that information provided about his criminal background on the loan officer license application submitted to the Division was complete and truthful, when it was not, in that Respondent failed to disclose his conviction for Passing Bad Checks.

- E. On or around June 5, 2007, Respondent provided incomplete or untruthful information about Respondent's criminal background to the Division in an attempt to obtain a loan officer license, in that Respondent failed to disclose his conviction for Passing Bad Checks.

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

1. Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2), and the Division is not authorized to issue a loan officer's license to Respondent, pursuant to R.C. 1322.041(A)(3).
2. Respondent's actions, as listed above, show that Respondent has not proven that Respondent is honest, truthful, and of good reputation, and that there is no basis in fact for believing that Respondent will not commit another criminal offense involving passing bad checks, or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
3. Respondent's actions listed in Paragraphs D and E 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 D and E 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 D and E 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: Jason K. Wright, Attorney Examiner, 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 denying Respondent a loan officer license.

Signed and sealed this 14th day of September 2007.

RICHARD F. KECK

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