

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

In the matter of:)	Case No. M2008-771
)	
THOMAS W. LOWRY)	<u>DIVISION ORDER</u>
5454 State Road)	Loan Officer License Revocation and Fine
Parma, OH 44134)	&
)	Notice of Appellate Rights

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, Thomas W. Lowry ("Respondent") holds a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on December 17, 2008, the Division issued Respondent a Notice which informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to revoke a loan officer license if the Division finds that the licensee has violated "or failed to comply with any provisions of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted under a certificate of registration[.]"
- B. Respondent is currently, and has at all times relevant to this action, been the approved Operations Manager of Bridge Mortgage Investments, Inc. dba Main Street Financial.
- C. R.C. 1322.01(H) defines "operations manager" as "the individual responsible for the everyday operations, compliance requirements, and management of a mortgage broker business.
- D. By agreeing to assume the position of Operations Manager and by seeking approval with the Division as the Operations Manager of Bridge Mortgage Investments, Inc. dba Main Street Financial, Respondent agreed to assume the legally defined duties of operations manager in R.C. 1322.01(H).
- E. R.C. 1322.07(G) states: "[n]o mortgage broker, registrant, licensee or applicant for a certificate of registration or license under sections 1322.01 to 1322.12 of the Revised Code shall do any of the following: [k]nowingly compensate, instruct, induce, coerce, or intimidate, or attempt to compensate, instruct, induce, coerce, or intimidate, a person licensed or certified under Chapter 4763 of the Revised Code for the purpose of corrupting or improperly influencing the independent judgment of the person with respect to the dwelling offered as security for repayment of a mortgage loan."

- F. In or around November 2007 and December 2007, Marian Holmes, then a loan officer for Bridge Mortgage Investments, Inc. dba Main Street Financial, knowingly attempted to instruct, induce, coerce, or intimidate an appraiser for the purpose of corrupting or improperly influencing the independent judgment of the appraiser with respect to the dwelling offered as security for repayment of a mortgage loan. The property involved was located at 890 Exchange Street, Vermillion, OH 44089.
- G. 1301:8-7-02(L) of the Ohio Administrative Code states: “No registrant, through its operations manager or otherwise, shall fail to reasonably supervise a loan officer or other persons associated with the registrant or to establish reasonable procedures designed to avoid violations of R.C. 1322. of the Revised Code, or of Chapter 1301:8-7 of the Administrative Code, or violations of applicable state and federal consumer and lending laws or rules by loan officers or other persons associated with the registrant.”
- H. R.C. 1322.07(C) prohibits loan officer licensees from engaging in conduct that constitutes improper, fraudulent, or dishonest dealings.
- I. By failing to properly and reasonably supervise Bridge Mortgage Investments, Inc.’s loan officer Marian Jones while acting as Bridge Mortgage Investments, Inc.’s operations manager, Respondent violated R.C. 1322.07(C).
- J. Because Respondent violated R.C. 1322.07(C), the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent’s loan officer license.
- K. Because Respondent violated R.C. 1322.07(C), the Division has the authority to impose a fine against Respondent.
- L. A fine in the amount of one thousand dollars (\$1,000.00) is reasonable, appropriate and necessary.

WHEREAS, the Notice informed Respondent of the Division’s intent to revoke Respondent’s loan officer license, impose a fine, and of the opportunity for a hearing regarding the revocation and fine if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that “[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order revoking Respondent’s loan officer license[;]”

WHEREAS, the Notice was mailed to Respondent, via certified mail, on December 17, 2008;

WHEREAS, the Division was unable to obtain service upon Respondent at the address Respondent provided; thus, the Division published the Notice in accordance with R.C. Chapter 119 in the *The (Cleveland) Daily Legal News*, for three (3) consecutive weeks;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division’s allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent’s loan officer license should be revoked and a one thousand dollar (\$1,000.00) fine should be imposed;

Respondent, Thomas W. Lowry’s loan officer license is hereby revoked and Thomas W. Lowry is ordered to pay the Division a fine in the amount of one thousand dollars (\$1,000.00). Payment shall be in the form of a cashier’s check or money order, made payable to “Consumer Finance Fund,” and, within

ninety (90) days of Respondent's receipt of this Order, shall be submitted with a copy of this Order to:
Ohio Division of Financial Institutions, Attn: Martha S. Rhea, Consumer Finance Attorney Examiner, 77
South High Street, 21st Floor, Columbus, Ohio 43215-6120.

It is so ordered.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 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 3rd day of March, 2009.

LEIGH A. WILLIS

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