

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

In the matter of:)	Case No. M2008-659
)	
CHRISTOPHER B. NELSON)	Notice of Intent to Deny Loan Officer
7387 Hollow Road SW)	Officer License Application
Pataskala, Ohio 43062)	&
)	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, and the rules adopted thereunder. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

CHRISTOPHER B. NELSON ("Respondent") has applied to the Division for a loan officer license. His address of record is 7387 Hollow Road., Pataskala, OH 43062, and his date of birth is December 17, 1968. Respondent's employer of record is The Mortgage Firm, Inc., 399 East Main Street, Columbus, Ohio, 43215.

NOTICE OF PROPOSED ACTION

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

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. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to issue a loan officer license if the Division finds that the licensee or applicant has violated or failed "to comply with any provision 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[.]"
- B. Respondent held a loan officer license during the 2006 and 2007 calendar year.
- C. R.C. 1322.052 requires every licensed loan officer to complete at least six (6) hours of approved continuing education ("CE") every calendar year (by December 31st).
- D. Respondent failed to complete the required 6 hours of CE credit for the 2006 and 2007 calendar year as required by R.C. 1322.052.
- E. Because Respondent failed to comply with R.C. 1322.052, the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse to issue a loan officer license.

- A. R.C. 1322.041(A)(6) provides that a loan officer license shall be issued if the applicant's character and fitness 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 sections 1322.01 to 1322.12 of the Revised Code.
- B. In November 2004, a delinquent federal tax was assessed against Respondent in the amount of \$73,000.98 and a Federal Tax Lien was last filed in the Licking County Recorder's office on July 30, 2007 having instrument #200707300019677.
- C. In January 2, 2006, a delinquent federal tax was assessed against Respondent in the amount of \$4550.82 and a Federal Tax Lien was last filed in the Licking County Recorder's on July 30, 2007 having instrument #200707300019677.
- D. In November 2006, a delinquent federal tax was assessed against Respondent in the amount of \$24,692.35 and a Federal Tax Lien was last filed in the Licking County Recorder's office on July 30, 2007 having instrument #200707300019677.
- E. In March 2006, a Certificate of Judgment was filed for delinquent state tax against Respondent in the amount of \$19,492.93 in the Licking County, Ohio, Court of Common Pleas having case number 2006 JD 095100.
- F. In April 2007, a Certificate of Judgment was filed for delinquent state tax against Respondent in the amount of \$3,634.89 in the Licking County, Ohio, Court of Common Pleas having case number 2007 JD 102204.
- G. In April 2007, a Certificate of Judgment was filed for delinquent state tax against Respondent in the amount of \$655.47 in the Licking County, Ohio, Court of Common Pleas having case number 2007 JD 102321.
- H. In October 2007, a Certificate of Judgment was filed for delinquent state tax against Respondent in the amount of \$6,328.80 in the Licking County, Ohio, Court of Common Pleas having case number 2007 JD 106043.
- I. In February 2008, a Certificate of Judgment was filed for delinquent state tax against Respondent in the amount of \$973.59 in the Licking County, Ohio, Court of Common Pleas having case number 2008 JD 109209.
- J. Respondent's actions, as described in paragraphs G, H, I, J, K, L, M and N show 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 the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(6) and (B)(3).
- K. Because Respondent did not meet the conditions for renewal outlined in R.C. 1322.041(A)(6), the Division has the authority to refuse to issue Respondent a loan officer license.

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's application for a loan officer license.

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: Stephen E DeFrank, Consumer Finance Counsel, 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's loan officer license application.

Signed and sealed this 5th day of December 2008.

LEIGH A. WILLIS

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