

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

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| In the matter of: |) | Case No. M2008-772 |
| |) | |
| MARIAN B. HOLMES |) | Notice of Intent to Revoke Loan Officer |
| 3814 Covington Road |) | License, Impose Fine & |
| South Euclid, OH 44121 |) | 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 registration of mortgage brokers.

RESPONDENT

MARIAN B. HOLMES ("Respondent") holds an active loan officer license (LO# 006357) issued by the Division pursuant to R.C. 1322. Respondent's employer of record is First Ohio Banc & Lending, Inc., whose main office operates under certificate of registration number MB 802274. Respondent's home address of record is 3814 Covington Road, South Euclid, OH 44121. Respondent's date of birth is December 8, 1962.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10 and R.C. Chapter 119, the Division intends to REVOKE Respondent's loan officer license and IMPOSE a fine of \$1,000.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.10(B), and has found the following:

- 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. 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.”

- C. In or around November 2007 and December 2007, Respondent, 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.
- D. Through her actions, Respondent violated R.C. 1322.07(G).
- E. R.C. 1322.07(C) prohibits loan officer licensees from engaging in conduct that constitutes improper, fraudulent, or dishonest dealings.
- F. Through her actions, Respondent violated R.C. 1322.07(C).

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

- 1. Respondent’s actions listed in paragraphs C violated R.C. 1322.07(G).
- 2. Respondent’s actions listed in paragraph C violated R.C. 1322.07(C).
- 3. Because Respondent violated R.C. 1322.07(C) and R.C. 1322.07(G), the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent’s loan officer license.
- 4. Because Respondent violated R.C. 1322.07(C) and R.C. 1322.07(G), the Division has the authority to impose a fine against Respondent.
- 5. A fine in the amount of one thousand dollars (\$1,000.00) is reasonable, appropriate and necessary.

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 revoking Respondent’s loan officer license and imposing a fine in the amount of \$1,000.

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: Martha S. Rhea, Consumer Finance 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. At the hearing, a corporation must have a representative that is permitted to practice before the Agency, such as an attorney.

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 revoking Respondent's loan officer license and imposing a fine in the amount of \$1,000.

Signed and sealed this 17th day of December, 2008.

LEIGH A. WILLIS

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