

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

In the matter of:)	Case No. M2009-1157
)	
CHRISTOPHER G. NASH)	Notice of Intent to Refuse to Issue Loan
1303 Auburn)	Officer License
Cleveland, OH 44113)	&
)	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 ("OMBA"), 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

CHRISTOPHER G. NASH ("Respondent") submitted an application to the Division for a loan officer license on November 27, 2009. Respondent's address of record is 1303 Auburn, Cleveland, Ohio 44113, and his date of birth is March 18, 1980. Respondent's current employer of record is CMCO Mortgage, LLC, which is located at 7851 Freeway Circle, Middleburg Heights, Ohio 44149.

NOTICE OF PROPOSED ACTION

In accordance with R.C. sections 1322.041 and 1322.10 and R.C. Chapter 119, the Division intends to REFUSE TO ISSUE 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), 1322.041(B) and 1322.10(B), and has found the following:

- A. On or around November 17, 2005, Respondent plead guilty to and was convicted of drug possession in violation of R.C. 2925.11, a fifth degree felony, in the Court of Common Pleas of Cuyahoga County, Case No. CR-05-466294-C.
- B. On or around June 20, 2006, Respondent plead no contest and was found guilty of passing bad checks in violation of Lakewood, Ohio Codified Ordinance 545.09, a first degree misdemeanor, in the Lakewood Municipal Court, Case No. 2006CRA00641.

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

1. R.C. 1322.041(A)(6) states that “[u]pon the conclusion of the investigation required under division (B) of section 1322.031 of the Revised Code, the [Division] shall issue a loan officer license to the applicant if the [Division] find at that...[t]he applicant’s character and general 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 [the OMBA].
2. Ohio Administrative Code (“O.A.C.”) 1301:8-7-21(A) and (B) state that “[i]n determining ‘character and general fitness’ as those terms are used in...division (A)(6) of section 1322.041 of the Revised Code, the [Division] shall consider, inter alia, whether the applicant...(A) [h]as been found guilty in any court of competent jurisdiction of any felony; (B) [h]as been found guilty in any court of competent jurisdiction of any misdemeanor involving any...offense listed in...division (A)(2) of section 1322.031.
3. Because Respondent has been convicted of (i) a felony drug possession, and (ii) a misdemeanor passing a bad check, 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. Accordingly, Respondent does not meet requirement found in R.C. 1322.041(A)(6) for issuance of a loan officer license.
4. R.C. 1322.031(A)(2) states that an application for a loan officer license shall provide “[a] statement as to whether the applicant has been convicted of or pleaded guilty to any criminal offense involving...passing bad checks...or any criminal offense involving money or securities.”
5. Respondent’s conviction for passing a bad check shows 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).
6. R.C. 1322.07(C) prohibits an applicant for a loan officer license from engaging in conduct that constitutes improper, fraudulent, or dishonest dealings.
7. Respondent’s actions, as described above in paragraphs A and B above, violated R.C. 1322.07(C). Accordingly, Respondent does not meet the requirement found in R.C. 1322.041(A)(2) for issuance of 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 refusing to issue Respondent’s 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: Jacqueline Mallett, Consumer Finance Attorney, 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 refusing to issue Respondent's loan officer license.

Signed and sealed this 13th day of July, 2010.

LEIGH A. WILLIS

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