

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

In the matter of:)	Case No. M2006-9992765
)	
ERIN M. THAYER)	<u>DIVISION ORDER</u>
513 Adams Street, Apt. 401)	Approval of Loan Officer License Application
Toledo, Ohio 43614)	&
)	Notice of Appellate Rights
)	

Respondent, Erin M. Thayer ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on September 27, 2004. This Application was subsequently withdrawn by the Division on February 4, 2005, for failure to provide a completed criminal background check to the Division within 90 days, pursuant to R.C. 1322.031(D).

On June 24, 2005, Respondent re-applied for a loan officer license by submitting a second loan officer license application ("Application") to the Division. On May 2, 2006, the Division notified Respondent that it intended to deny her 2005 Application because: (1) Respondent violated R.C. 1322.07(A) by substantially misrepresenting her prior criminal record in response to a question on the Application; (2) Respondent violated R.C. 1322.07(B) by making a false statement of a material fact and by omitting a statement required on the licensing application; (3) Respondent violated R.C. 1322.07(C) by engaging in improper or dishonest conduct; and (4) because 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 R.C. 1322.01 to 1322.12, the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing which was held on October 11, 2006. A Report and Recommendation ("Report") was filed with the Division on January 9, 2007, recommending that the Division approve Respondent's Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report is attached hereto.)

The Division rejects paragraph 22 on page 5, and paragraph 4 on page 7, of the Report.

These paragraphs refer to a version of the Application form which is fundamentally different from those at issue in the present case, and is not relevant to any discussion of the facts involving Respondent's Applications submitted on September 27, 2004 and June 24, 2005.

The Division rejects paragraph 7 on page 5, and paragraph 10 on page 8, of the Report.

The Division has express authority by virtue of R.C. 1322.031(A)(5), to insist that applicants provide "any further information that the Superintendent requires," when applying for a loan officer license.

The Division modifies paragraphs 8, 9, and paragraphs 11 through 14, on pages 7 and 8 of the Report.

Although the Division does not agree with the logic used by the Report, and expressly reserves whatever objections it may have to the findings contained in these paragraphs, the Division nevertheless concurs with the ultimate result.

Following its review of the record, the Division hereby adopts the hearing officer's recommendation and approves the loan officer license application of Erin M. Thayer.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed 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, pursuant to R.C. 119.12, 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 2nd day of March 2007.

RICHARD F. KECK

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