

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

In the matter of:)	Case No. M2007-21
)	
BRIAN L. PAULEY)	Notice of Intent to Permanently Revoke Loan Officer License
9139 Lakeview Drive)	&
Olmsted Falls, Ohio 44138)	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.

RESPONDENT

BRIAN L. PAULEY ("Respondent") holds an active loan officer license issued by the Division. His address of record is 9139 Lakeview Drive, Olmstead Falls, Ohio 44138, and his date of birth is September 25, 1967. His employer of record is Multi-Fund of Columbus, Inc., 2999 East Dublin-Granville Road, Suite 310, Columbus, Ohio 43231.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(A)(1)(b), and pursuant to R.C. Chapter 119, the Division intends to PERMANENTLY REVOKE Respondent's loan officer license.

BASIS FOR PROPOSED ACTION

Pursuant to R.C. 1322.10(B), the Division conducted an investigation of Respondent, and as a result thereof, alleges the following:

- A. In accordance with R.C. § 1322.10(A)(1)(b), the superintendent of the Division may revoke a loan officer license if the superintendent finds that the licensee has been convicted or pleaded guilty to a criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities.
- B. On or about November 16, 2006, in the United States District Court, Northern District of Ohio, Respondent pleaded guilty to and was convicted of Bank Fraud, a Class B felony.
- C. On or about June 2, 2006, Respondent attested in a sworn statement that information provided about his criminal background on the loan officer license application submitted to the Division was complete and truthful, when it was not, in that Respondent stated he had never been arrested for fraud, had not been charged with any violation of Federal law in the last eight (8) months, and had never been a defendant in a criminal action in the Federal court system.
- D. On or about June 20, 2006, Respondent provided incomplete or untruthful information about Respondent's criminal background to the Division in an attempt to obtain a loan officer license.

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

1. Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from “[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
2. Respondent’s actions listed in Paragraphs C and D violated R.C. 1322.07(A), which prohibits a loan officer applicant from “mak[ing] any substantial misrepresentation in any registration or license application[.]”
3. Respondent’s actions listed in Paragraphs C and D violated R.C. 1322.07(B), which prohibits a loan officer applicant from “[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]”
4. The Division has the authority to revoke Respondent’s loan officer license, as a result of Respondent’s guilty pleas and conduct, as shown above,. R.C. 1322.10(A)(1)(b).
5. Based on Respondent’s guilty plea and conduct, as shown above, the revocation of Respondent’s loan officer license shall be permanent. R.C. 1322.10(E).

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 permanently revoking Respondent’s 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: Jason K. Wright, Consumer Finance Staff 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 revoking Respondent’s loan officer license.

Signed and sealed this 31st day of January 2007.

RICHARD F. KECK

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