

Ted Strickland
Governor

Kimberly A. Zurz
Director

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

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In the matter of:) Case No. 06-2768
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)
Jack Burton)
1760 Alpine Dr.) **DIVISION ORDER**
Columbus, OH 43229) **Denial of Loan Officer License**
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WHEREAS, 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, the Division finds that this order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, Jack Burton ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on April 28, 2006, the Division issued Respondent a Notice of Intent to Deny Loan Officer License & Notice of Opportunity for a Hearing which notice was served upon Respondent by U.S. certified mail as shown by return receipt; and

WHEREAS, based on the Division's investigation said notice contained the following allegations and findings:

1. On August 26, 2005, a complaint was filed with the Division's Office of Consumer Affairs against Respondent. The complaint concerned a residential mortgage transaction on property at 3584 Maize Road, Columbus, OH 43224-3264 which mortgage loan was obtained with Respondent's assistance. The complainant, Ms. Bridgett Harris, stated that Jack Burton was her loan officer for the transaction, a claim supported by the loan application she submitted to the Division.
2. Jack Burton had previously submitted two applications to become a loan officer to the Division, one on September 30, 2003 and another on April 12, 2005. Both applications were withdrawn by the Division pursuant to R.C. 1322.031(D), due to Mr. Burton's failure to respond to the Division's request to submit certain information to complete his applications. Jack Burton has never been issued a loan officer license pursuant to R.C. 1322. Consequently, he has never been authorized to originate loans subject to the Ohio Mortgage Broker Act.

3. Jack Burton was not licensed at the time he conducted the interview or at any time that he was assisting Ms. Harris in obtaining the above-referenced mortgage. By originating said loan without first obtaining a loan officer license he acted in violation of R.C. 1322.02(B).
4. Records submitted by Gordon Lending Corporation in response to a Division subpoena for loan documents from March through April 2004 Respondent originated three additional mortgage loan files when he was not licensed and authorized to originate loans by the Ohio Mortgage Broker Act. These transactions, occurring on March 3, 2004, March 24, 2004, and April 15, 2004, concern properties located at 750 Bedford Avenue, Columbus, OH 43205, 65 Woodrow Ave., Columbus, OH 43207, 5745 Loganwood Dr., Columbus, Ohio 43229, respectively, and each of these transactions were subject to the Ohio Mortgage Broker Act.
5. R.C. 1322.02(B) states: "No person, on the person's own behalf or on behalf of any other person, shall act as a loan officer without first having obtained a license from the superintendent."
6. By assisting consumers in obtaining mortgages during a period when he did not hold a license, Respondent violated R.C. 1322.02(B).
7. Consequently, Respondent does not meet the conditions of licensure set forth in R.C. 1322.041(A)(2).
8. Due to Respondent's violations of R.C. 1322.02(B), the Superintendent cannot find that Respondent'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 R.C. 1322.01 to 1322.12. Consequently, Respondent does not meet the conditions for obtaining a loan officer license according to R.C. 1322.041(A)(5).
9. According to R.C. 1322.10(A)(1)(a) the Superintendent of Financial Institutions may refuse to issue a license for a violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or rules adopted under those sections.

WHEREAS, Respondent has failed, despite service, to respond and request a hearing in writing to the Division within thirty (30) days of the service of the above-referenced Notice of Opportunity for a Hearing in this matter as required by the notice provided pursuant to R.C. Chapter 119, and

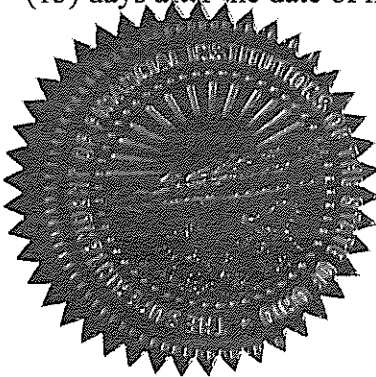
WHEREAS, the Notice issued by the Division properly informed Respondent of the Division's intent to revoke his loan officer license, as well as informed him of his opportunity for a hearing.

NOW THEREFORE, the Division adopts the facts set forth in the allegations as true, and finds and holds that the acts set forth therein establish that Respondent has violated R.C. 1322.02(B), and has failed to demonstrate sufficient character and general fitness as required by R.C. 1322.041(A)(5), and has failed to meet 1322.041(A)(2), the condition of licensure which requires license applicants to comply with R.C. 1322.01 to R.C. 1322.12.

It is hereby ORDERED and DECREED that Respondent Jack Burton's loan officer license be and hereby is denied.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this order may be appealed, pursuant to R.C. 119.12, 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 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.



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Signed and sealed this 21st day of August, 2007.

A handwritten signature in cursive script, reading "Richard F. Keck".

RICHARD F. KECK

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