

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

In the matter of:	)	Case No. M2007-379
	)	
<b>JAMES K. WHARTON</b>	)	<b><u>DIVISION ORDER</u></b>
6479 Rivers Edge Drive	)	<b>Denial of Loan Officer Renewal Application</b>
Lewis Center, OH 43035	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
	)	

---

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, as 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, the Division issued JAMES K. WHARTON ("Respondent") a loan officer license on July 14, 2005;

WHEREAS, Respondent's loan officer license expired on April 30, 2007, Respondent filed an application to renew his loan officer license and the renewal application remains pending; and

WHEREAS, on August 9, 2007, the Division issued Respondent a Notice that informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that the Division is statutorily prohibited from renewing Respondent's loan officer license, due to his prior conviction for a theft offense, under R.C. 1322.041(A)(3), eff. Jan. 1, 2007.

WHEREAS, the Notice informed Respondent of the Division's intent to deny his 2007 loan officer license renewal application and of the opportunity for a hearing regarding the denial if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order denying Respondent's loan officer license renewal[;]"

WHEREAS, the Division was unable to obtain service upon Respondent at the address provided, the Division published the Notice in accordance with R.C. Chapter 119 in *The Delaware Gazette* for three (3) consecutive weeks;

WHEREAS, Respondent failed to request a hearing by the statutory deadline and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent's loan officer license renewal application should be denied;

Respondent, James K. Wharton's loan officer license renewal application is hereby 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.

Signed and sealed this 21<sup>st</sup> day of November 2007.

---

**LEIGH A. WILLIS**

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