

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

In the matter of:)	Case No. M2009-802
)	
HELEN C. McCain)	ORDER OF SUMMARY SUSPENSION,
823 Tommy Been Road)	NOTICE OF INTENT TO DENY RENEWAL
P.O. Box 283)	&
Oak Hill, OH 45656)	NOTICE OF HEARING

DIVISION ORDER

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. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers; and

WHEREAS, Helen C. McCain ("Respondent") held loan officer license number 002686.000 in calendar year 2008. Her address of record is 823 Tommy Been Road, P.O. Box 283, Oak Hill, Ohio 45656, and her date of birth is January 8, 1958. Respondent's employer of record is Statewide Home Mortgage, Inc., One Victoria Square, Suite 275, Painesville, Ohio 44077; and

WHEREAS, R.C. 1322.10(F)(2) requires the Division to suspend, without a prior hearing, the license of a licensee who failed to fulfill the continuing education requirements of R.C. 1322.052 until such time as the required continuing education is completed and a fine of five hundred dollars (\$500.00) is paid to the treasurer of state to the credit of the consumer finance fund; pursuant to Ohio Administrative Code section 1301:8-7-08(C)(4), an individual with a suspended license is not permitted to originate residential mortgage loans; and

WHEREAS, Respondent failed to fulfill the continuing education requirements of R.C. 1322.052 for calendar year 2008; and

Pursuant to R.C. 1322.10(F)(2), loan officer license number 002686.000 issued to Respondent is hereby **SUSPENDED**.

It is so ordered.

NOTICE OF INTENT TO DENY LOAN OFFICER LICENSE RENEWAL

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to **DENY** Respondent's loan officer license renewal application.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to deny a loan officer license renewal application if the Division finds that the licensee has violated “or fail[ed] to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted[.]”
- B. Respondent previously held a loan officer license during the 2008 calendar year.
- C. R.C. 1322.052 requires every licensed loan officer to complete at least six (6) hours of approved continuing education (“CE”) every calendar year (by December 31st).
- D. Respondent failed to complete the required 6 hours of CE credit for the 2008 calendar year as required by R.C. 1322.052.
- E. Because Respondent failed to comply with R.C. 1322.052, the Division is authorized under R.C. 1322.10(A)(1)(a) to deny Respondent’s loan officer license renewal application.
- F. Pursuant to R.C. 1322.041(B)(3), in order for a loan officer license to be renewed, the Division must find that the 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 and in compliance with the purposes of the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(6).
- G. Respondent was required to submit an FBI background check as part of her renewal application.
- H. In a June 26, 2009 letter, the Division informed Respondent that it had not received a copy of her FBI background check.
- I. As of the date of this Notice, Respondent has not submitted an FBI background check to the Division.
- J. Because Respondent has not submitted an FBI background check to the Division, the Division cannot find that Respondent’s character and general fitness meets the renewal requirement set forth in R.C. 1322.041(A)(6) and (B)(3).

As a result of the findings listed above, the superintendent is authorized to deny the renewal application for failure to meet all of the requirements for renewal set forth in R.C. 1322.041(B).

NOTICE OF HEARING

Therefore, pursuant to R.C. 1322.10(F)(4), R.C. Chapter 119 and Section 1301:8-7-27 of the Ohio Administrative Code, Respondent is hereby notified that a hearing shall be held on **Thursday, October 29, 2009 at 9:30 a.m.** on the continuation or termination of the suspension imposed herein and on the Notice of Intent to Deny your loan officer license renewal application. Said hearing will be held in **Room 1936, located on the 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street in Columbus.**

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.

Signed and sealed this 1st day of October, 2009.

LEIGH A. WILLIS

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