

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

In the matter of:	)	Case No. 04-0232-LOD
	)	
<b>WILLIAM A. SCOTT</b>	)	<b><u>DIVISION ORDER</u></b>
1275 Edwards Avenue	)	<b>Denial of loan officer license application</b>
Lakewood, Ohio 44107	)	&
<hr style="width: 40%; margin-left: 0;"/>	)	<b>Notice of Appellate Rights</b>

Respondent, William A. Scott, submitted a loan officer license application to the Division of Financial Institutions ("Division") on March 28, 2002. On January 23, 2004, the Division notified Scott that it intended to deny his loan officer license application because: (1) he had been convicted of theft in 1993 and he had not proven that he is honest, truthful, and of good reputation and that there is no basis in fact for believing that he will not commit another offense involving theft or any offense involving money; (2) he had been convicted of resisting arrest in 1993; (3) he violated R.C. 1322.07(A) by making a substantial misrepresentation on his loan officer license application; (4) he violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law; (5) he violated R.C. 1322.07(C) by engaging in conduct that constitutes improper, fraudulent, or dishonest dealings; and (6) because of his criminal convictions, and his non-disclosure of those convictions, his character and general fitness do not command the confidence of the public and warrant the belief that his 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.

Scott requested a hearing and an administrative hearing was held on July 20, 2004. A Report and Recommendation was filed with the Division on April 11, 2005, recommending that the Division deny Scott's application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions.

The Division modifies paragraph 6 on page 5 of the Report and Recommendation to reflect that Scott signed the application on or about March 26, 2002, not April 8, 2002. (Exhibit A.)

The Division disapproves and modifies the second sentence of paragraph 16 on page 7 of the Report and Recommendation. Violations of R.C. 1322.07(A), (B), and (C) do not require an applicant to have any intent.<sup>1</sup> As such, violations of R.C. 1322.07(A), (B), and (C) do not have a “negligence” component.

In accordance with the foregoing, the Division otherwise adopts the Report and Recommendation of the hearing officer and concludes that Scott’s loan officer license application should be denied.

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 must, 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 27th day of January 2006.

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**ROBERT M. GRIESER**  
Deputy Superintendent for Consumer Finance  
Division of Financial Institutions  
Ohio Department of Commerce

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<sup>1</sup> In R.C. 1322.07(E) and (F), both sections contain language of intent by using the term “knowingly,” whereas R.C. 1322.07 (A), (B), and (C) do not.