

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

In the matter of:)	Case No. M2007-700
)	
ROBIN HILDRETH)	DIVISION ORDER
7527 Hickory Road)	Revocation of Loan Officer License
Oakwood, Ohio 44146)	&
)	Notice of Appellate Rights

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 Respondent holds a loan officer license (LO#030310) issued by the Division pursuant to R.C. Chapter 1322, and which is currently being held in escrow;

WHEREAS, on December 21, 2007, the Division sent Respondent via certified mail return receipt requested a Notice of Intent to Revoke Loan Officer License and Notice of Opportunity for Hearing ("the Notice") to Respondent's address of record;

WHEREAS, the Notice contained the following allegations:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to revoke a loan officer license if the Division finds that the licensee has violated or failed to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections.
- B. The Division is authorized by R.C. 1322.10(A)(1)(b) to revoke a loan officer license if the Division finds that the licensee has pleaded guilty to or been convicted of "any 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."
- C. On or about April 1, 1998, Respondent entered a plea of guilty before Cuyahoga County Common Pleas Court Judge Pat Kelly to one count of robbery (R.C. 2911.02(A)(3)) in the case of State of Ohio v. Robin Pruett, Docket No. CR-97-354810-ZA.
- D. On or about May 3, 2000, after a trial and deliberations before the Cuyahoga County Common Pleas Court Judge David Matia, a jury found Respondent guilty of uttering (R.C. 2913.31), in the case of State of Ohio v. Robin Pruett, Docket No. CR-00-386104-A.

- E. On or about September 19, 2001, Respondent entered a plea of guilty before Cuyahoga County Common Pleas Court Judge Timothy McGinty to attempted taking the identity of another (R.C. 2923.02 and 2913.49) and misuse of credit Cards (R.C. 2913.21), in the case of State of Ohio v. Robin Pruett, Docket No. CR-01-405860-B.
- F. On or about August 13, 2004, Respondent entered a plea of guilty before Cuyahoga County Common Pleas Court Judge Nancy Fuerst to tampering with records (R.C. 2913.42) and identity fraud (R.C. 2913.49), in the case of State of Ohio v. Robin Ferrell, Docket No. CR-04-449395-ZA.
- G. On or around February 6, 2006, Respondent attested in a sworn statement that information she provided about her criminal background on her first loan officer license application submitted to the Division was complete and truthful when it was not, in that she falsely swore she had no past criminal convictions.
- H. On or about February 9, 2006, Respondent submitted the fingerprints of an unknown individual to National Background Check, Inc., for the purpose of conducting a criminal history background check as required for all loan officer applicants pursuant to R.C. 1322.031(B)(1). Because of Respondent's deception, the criminal history background check falsely determined that Respondent had no arrest record.
- I. In February 2006, in an attempt to obtain a loan officer license, Respondent provided untruthful information about her criminal background and fingerprints to the Division.
- J. On or around April 30, 2007, Respondent again attested in a sworn statement that information she provided about her criminal background on her 2007 Loan Officer Renewal Application submitted to the Division was complete and truthful when it was not, in that she falsely swore she had no past criminal convictions.
- K. On or around April 30, 2007, in an attempt to renew her loan officer license, Respondent again provided untruthful information about her criminal background to the Division.

WHEREAS, the Notice contained the following findings:

- L. Respondent's actions, as listed in paragraphs C through K, violated R.C. 1322.07(A), which states "[n]o...licensee, or applicant for a...license under sections 1322.01 to 1322.12 of the Revised Code shall...[o]btain a certificate of registration or license through any false or fraudulent representation of a material fact or any omission of a material fact required by state law, or make any substantial misrepresentation in any registration or license application";
- M. Respondent's actions, as listed in paragraphs C through K, violated R.C. 1322.07(B), which states "[n]o...licensee, or applicant for a...license under sections 1322.01 to

- 1322.12 of the Revised Code shall...[m]ake false or misleading statements of a material fact, omissions of statements required by state law, or false promises regarding a material fact, through advertising or other means, or engage in a continued course of misrepresentations”;
- N. Respondent’s actions, as listed in paragraphs C through K, violated R.C. 1322.07(C), which prohibits a loan officer applicant from “[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
- O. Respondent’s actions, as listed above, show Respondent's character and general fitness do not 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 the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(6).
- P. Because Respondent has violated R.C. 1322.07(A), (B), and (C) and fails to meet the character and fitness requirements for loan officer license issuance or renewal pursuant to R.C. 1322.041(A)(6) and (B)(3), Respondent’s loan officer license should be revoked pursuant to R.C. 1322.10(A)(1)(a).
- Q. Because Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2), Respondent does not meet the requirements for loan officer license issuance or renewal pursuant to R.C. 1322.041(A)(3) and (B)(3). Accordingly, Respondent’s loan officer license should be revoked pursuant to R.C. 1322.10(A)(1)(b), and such revocation shall be permanent pursuant to R.C. 1322.10(E).

WHEREAS, the Notice informed Respondent of the Division’s intent to revoke her loan officer license and of the opportunity for a hearing regarding the revocation 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 revoking Respondent’s loan officer license[;]”

WHEREAS, the Notice was mailed to Respondent, via certified mail return receipt requested, on December 21, 2007;

WHEREAS, on January 28, 2008, the Notice was returned to the Division by the U.S. postal service marked “unclaimed”;

WHEREAS, on January 29, 2008, the Division made a second attempt to send Respondent the Notice via regular U.S. mail with a certification of mailing; and

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

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 pled guilty to one or more of the disqualifying crimes listed in R.C. 1322.10(A)(1)(b). The Division notes that the revocation of Respondent's license is permanent as required by R.C. 1322.10(E).

It is hereby ORDERED and DECREED that Respondent Robin Hildreth's loan officer license is hereby PERMANENTLY REVOKED.

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 28th day of March 2008.

LEIGH A. WILLIS
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce