



Ohio Department of Commerce

Division of Financial Institutions
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Ted Strickland
Governor

Kimberly A. Zurz
Director

In the matter of:

ANDREW S. ROBINETT,
2580 Deming Avenue
Columbus, Ohio 43202

)
)
) Case No. M2007-325

)
) **SETTLEMENT AND**
) **CONSENT 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 enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322; and

WHEREAS, Andrew A. Robinett ("Respondent") has applied with the Division for a loan officer license pursuant to R.C. Chapter 1322. Respondent's address of record is 2580 Deming Avenue Columbus, Ohio 43202; and

WHEREAS, on September 14, 2007, the Division issued Respondent a Notice of Intent to Deny Loan Officer License Application and Notice of Opportunity for a Hearing; and

WHEREAS, the Notice contained allegations and findings that:

1. Respondent has 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 criminal offense involving fraud or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3); and
2. 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)(5).
3. Respondent violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
4. Respondent violated R.C. 1322.07(B), which prohibits a loan officer applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]"

5. Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngaging in conduct that constitutes improper, fraudulent, or dishonest dealings."

WHEREAS, the Respondent did not request an administrative hearing.

WHEREAS, on November 16, 2007, the Division issued a Division Order denying Respondent's loan officer license application. Pursuant to R.C. 119.12, Respondent filed an appeal to said Division Order in the Franklin County Court of Common Pleas, Case No. 07 CVF 12 16492;

NOW THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties agree to the following:

- 1) The parties acknowledge the statement of the facts cited above as accurate but with the understanding that Respondent does not agree with the Division's findings as restated from the Notice of Intent to Deny Loan Officer License .
- 2) In lieu of proceeding with an appeal under R.C. 119.12 on this matter, Respondent agrees to dismiss the appeal currently pending in the Franklin County Court of Common Pleas case number 2007 CVF 12 16429. Additionally, Respondent agrees not to seek attorney's fees from the Division in relation to this matter.
- 3) The Division agrees to Withdraw its Order issued On November 16, 2007.
- 4) The Division agrees to withdraw its September 14, 2007 Notice of Intent to Deny Loan Officer License Application and Notice of Opportunity for a Hearing without prejudice. The Division reserves the right to re-issue Respondent a Notice of Intent to Deny Loan Officer License Application and Notice of Opportunity for a Hearing in order to allow the Respondent to request a hearing.
- 5) Nothing in this Settlement and Consent Order shall be deemed to prevent the Division or its employees, agents, or assignees from participating in, as a witness or otherwise, any lawful action by another, or obeying any lawful court order, arising out of or related to the matters set forth in the Notice.
- 6) This Settlement and Consent Order shall be effective on the date it is signed by the Deputy Superintendent of the Division of Financial Institutions and on such date it will become a final order superseding the Division Order issued on November 16, 2007.

- 7) This Settlement and Consent Order contains the entire agreement between the parties as to the matters set forth herein and no promises, conditions or obligations, either expressed or implied, other than those set forth herein, shall be binding on either party.
- 8) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their shareholders, partners, members, assignees, and successors in interest.
- 9) Respondent releases the Division, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter. Respondent shall not seek attorney fees or other costs arising from the within matter.
- 10) This Settlement and Consent Order shall be considered a public record as that term is used in R.C. 149.43, and may be reported to appropriate organizations, data banks, and governmental bodies, or released to the general public.
- 11) Respondent has sought legal counsel concerning the terms and/or effect of this Settlement and Consent Order.
- 12) Respondent must submit this Settlement and Consent Order, completed per the terms dictated herein, no later than March 5, 2007.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that the parties to this Settlement and Consent Order shall abide by the terms of this Order as agreed.

Approved and Agreed:

Andrew S. Robinett

Lisa C Haase, Attorney for Respondent
Curry, Roby, & Mulvey Co. LLC

Leigh Willis
Deputy Superintendent of Consumer Finance

2-25-08
Date

3/3/08
Date

3/6/08
Date