

Bob Taft
Governor

Doug White
Director

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

In the matter of:

Bianca Howard
1403 Lakeland
Cincinnati, OH 45237

) Case No. M2006-9992856
)
)

) **DIVISION ORDER**
) **Denial of Loan Officer License**
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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, 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, Bianca Howard ("Respondent") applied to the Division for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on June 15, 2006, the Division issued Respondent a Notice of Intent to Deny Loan Officer License & Notice of Opportunity for a Hearing which notice was served upon Respondent by U.S. certified mail as shown by return receipt; and

WHEREAS, based on the Division's investigation said notice contained the following allegations and findings:

1. On April 20, 2006, Respondent applied to the Division for a loan officer license working for K.L.M. Mortgage, Inc.
2. R.C. 1322.041 provides that the superintendent may issue a loan officer license if certain conditions are met by the applicant. Among the stated conditions is "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 in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code." R.C. 1322.041(A)(5).
3. According to R.C. 1322.041(A)(2), a condition of licensure is that the applicant complies with sections 1322.01 to 1322.12 of the Revised Code.

4. R.C. 1322.051(B) provides that "each licensee, within ninety days after the original issuance of the loan officer license, shall successfully complete an examination approved by the superintendent. Failure to comply with this division results in the termination of the license by operation of law."
5. Respondent has previously applied for and obtained a loan officer license four times. Respondent has never scheduled or taken the exam required by R.C. 1322.051(B).
 - (a) Respondent obtained a loan officer license to work for John R. Levy dba Motion Financial on April 22, 2003. Respondent did not take the exam required by R.C. 1322.051(B). Consequently, the license terminated by operation of law on or about July 21, 2003.
 - (b) Respondent reapplied and obtained a loan officer license to work for John R. Levy dba Motion Financial on May 22, 2004. Respondent did not take the exam required by R.C. 1322.051(B). Consequently, the license terminated by operation of law on or about August 20, 2004.
 - (c) Respondent reapplied and obtained a loan officer license to work for John R. Levy dba Motion Financial on October 12, 2004. Respondent transferred her license to K.L.M. Mortgage on November 23, 2004. She did not take the requisite exam and the license was terminated by operation of law on or about January 10, 2005.
 - (d) Respondent reapplied and obtained a loan officer license to work for K.L.M. Mortgage, Inc. on April 4, 2005. Respondent did not schedule or take the requisite exam and the license was terminated by operation of law on or about July 3, 2005.
 - (e) Respondent applied for a loan officer license on October 13, 2005 to work for K.L.M. Mortgage, Inc. The Division notified Respondent that her application was incomplete and that if the information requested is not completed within 90 days, her application would be withdrawn pursuant to the Ohio Mortgage Broker Act. Respondent failed to submit the requested information. Consequently her application was withdrawn.
6. Based on Respondent's numerous reapplications for a loan officer license and having never taken the loan officer examination during the ninety day period following original licensure the superintendent cannot find that Respondent's character and general fitness 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 sections 1322.01 to 1322.12 of the Revised Code. Consequently, Respondent does not meet the conditions for obtaining a loan officer license according to R.C. 1322.041.

7. R.C. 1322.07(C) prohibits loan officers or applicants for a loan officer license from engaging in conduct that constitutes improper, fraudulent, or dishonest dealings.
8. By attempting to avoid the requirement of passing the loan officer test, applying and obtaining a license four times while never scheduling and taking the loan officer test, Respondent engaged in an improper act in violation of R.C. 1322.07(C).
9. By engaging in an improper act in violation of R.C. 13422.07(C), Respondent has not met R.C. 1322.041(A)(2), the condition of licensure that requires compliance with R.C. 1322.01 to R.C. 1322.12.
10. R.C. 1322.052 states: "each licensee... shall complete at least six hours of continuing education every calendar year. To fulfill this requirement, the six hours of continuing education must be offered in a course or program of study approved by the superintendent of financial institutions."
11. Respondent failed to complete the continuing education required by R.C. 1322.052 during the 2005 calendar year.
12. By failing to complete her continuing education in 2005, Respondent has not met R.C. 1322.041(A)(2), the condition of licensure that requires compliance with R.C. 1322.01 to R.C. 1322.12.
13. According to R.C. 1322.10(A)(1)(a) the superintendent of financial institutions may refuse to issue a license for a violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or rules adopted under those sections.
14. Consequently, Respondent does not meet the conditions for obtaining a loan officer license according to R.C. 1322.041(A)(5).
15. According to R.C. 1322.10(A)(1)(a) the superintendent of financial institutions may refuse to issue a license for a violation of or failure to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or rules adopted under those sections.

WHEREAS, Respondent has failed, despite service, to respond and request a hearing in writing to the Division within thirty (30) days of the mailing of the above-referenced Notice of Opportunity for a Hearing in this matter as required by the notice provided pursuant to R.C. Chapter 119, and

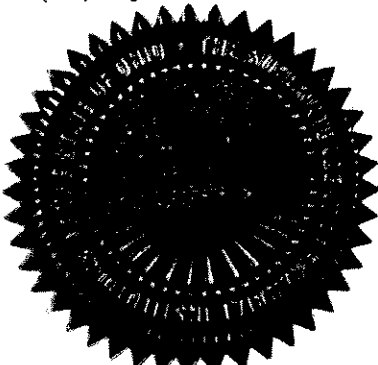
WHEREAS, the Notice issued by the Division properly informed Respondent of the Division's intent to revoke his loan officer license, as well as informed him of his opportunity for a hearing.

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 violated R.C. 1322.02(B), R.C. 1322.031(E)(2) and has failed to demonstrate sufficient character and general fitness as required by R.C. 1322.041(A)(5).

It is hereby ORDERED and DECREED that Respondent Bianca Howard's loan officer license be and hereby is 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 27th day of July, 2006.

Robert M. Grieser

ROBERT M. GRIESER

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