

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

In the matter of:)	Case No. M2008-423
)	
BETHANY L. CURRY)	Notice of Intent to Deny Loan Officer License
7681 Woodpath Drive)	Renewal Application
Hudson, Ohio 44236)	&
)	Notice of Opportunity for a Hearing
)	

JURISDICTION

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.

RESPONDENT

BETHANY L. CURRY ("Respondent") is an individual who holds a loan officer license 007029 issued by the Division pursuant to Chapter 1322. Her address of record is 7681 Woodpath Drive, Hudson, Ohio 44236, and her date of birth is June 17, 1973. Respondent's employer of record is Community Choice Mortgage, LLC, 23660 Miles Road, Suite 200, Bedford Heights, Ohio 44128.

NOTICE OF PROPOSED ACTION

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, pursuant to R.C. 1322.031(B), and has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(1)(b) to refuse issuance of a loan officer license if the Division finds that the licensee or applicant has been "convict[ed] of or [entered] a guilty plea to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities."
- B. The Division is authorized by R.C. 1322.041(B) to renew a loan officer's license if the "applicant has not been convicted of or pleaded guilty to any criminal offense" involving "theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities." See, R.C. 1322.041(A)(3) and R.C. 1322.031(A)(2).

- C. The Division is authorized by R.C. 1322.041(B) to renew a loan officer's license if the applicant's character and general fitness commands public confidence and warrants the belief that business will be operated honestly and fairly.
- D. The Division is required by Ohio Admin. Code 1301:8-7-21(A) to consider if an applicant "[h]as been found guilty in any court of competent jurisdiction of any felony" in order to determine an applicant's character and general fitness.
- E. In or around 2008, Respondent submitted a loan officer license renewal application.
- F. In or around 2008, Respondent plead guilty to Tampering with Records, a felony of the fourth degree. See, R.C. 2913.42(A)(1) and R.C. 2913.42(B)(3)(c).
- G. In or around 2008, the Common Pleas Court of Cuyahoga County, Ohio accepted Respondent's guilty plea to Tampering With Records and Nollled the Aggravated Theft and Securing Records by Deception charges against Respondent.

As a result of the findings listed above, the Division has determined that:

- 1. Respondent plead guilty to Tampering with Records, a fourth degree felony.
- 2. Under R.C. 2913.01(K), R.C. 2913.42 - Tampering with Records, is defined as a theft offense.
- 3. Because Respondent plead guilty to a felony offense, 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) and Ohio Admin. Code 1301:8-7-21(A).
- 4. Because Respondent plead guilty to a felony offense, the Division may deny Respondent's 2008 renewal application. See, R.C. 1322.041(B).
- 5. Because Respondent plead guilty to a theft offense, the Division may deny Respondent's 2008 renewal application. See, R.C. 1322.041(B).
- 6. Because Respondent failed to meet the requirements necessary to warrant renewal of her loan officer license, the Division is authorized under R.C. 1322.10(A)(1)(b) and R.C. 1322.041(B)(3) to deny issuance of a loan officer renewal license to Respondent.

NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an order denying Respondent a loan officer renewal license under the Ohio Mortgage Broker Act.

Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed: Ohio Division of Financial Institutions, Attn: Lori A. Massey - Attorney Examiner, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

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.

If the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of this Notice, the Superintendent will issue an Order denying Respondent's loan officer license renewal application.

Signed and sealed this 11th day of August, 2008.

LEIGH A. WILLIS

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