

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

In the matter of:)	Case No. M2008-627
)	
WILLIAMS MORTGAGE)	Notice of Intent to Deny 2008 Renewal Application
SERVICES, INC.)	&
P.O. Box 379 - 6810 Raiders Road)	Notice of Opportunity for a Hearing
Fazeysburg, Ohio 43822)	
)	

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 registration of mortgage brokers.

RESPONDENT

WILLIAMS MORTGAGE SERVICES, INC. ("Respondent") is a company that held a certificate of registration to engage in business as a mortgage broker pursuant to R.C. Chapter 1322. Respondent's mortgage broker certificate of registration expired on April 30, 2008, and Respondent filed an application to renew its certificate of registration. The renewal application remains pending. Respondent's business address of record is P.O. Box 379 – 6810 Raiders Road, Fazeysburg, Ohio 43822.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.04 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's 2008 renewal application for a mortgage broker certificate of registration.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.10(B), and has found the following:

- A. In or around 1990, Respondent's President, Treasurer and shareholder of more than 5% of Respondent's outstanding voting shares, James Evans Atkinson, pled guilty in Muskingum County Court before Judge Hooper to one charge of Passing Bad Checks, a violation of R.C. 2913.11.
- B. In or around 1999, Respondent's President, Treasurer and shareholder of more than 5% of Respondent's outstanding voting shares, James Evans Atkinson, Respondent answered "No" when asked in the 1999 mortgage broker certificate of registration application whether he had ever pled guilty or been found guilty by a judge for violation of any Ohio law (excluding motor vehicle traffic laws).
- C. In or around 1999, Respondent attested that answers Respondent provided in his mortgage broker certificate of registration application submitted to the Division was complete and truthful when it was not.

- D. In or around 1999, in an attempt to obtain a mortgage broker certificate of registration, Respondent provided untruthful information to the Division.

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

1. Respondent's actions, as listed above, show that Respondent has not proven that James Evans Atkinson 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 passing bad checks or any criminal offense involving money or securities. See R.C. section 1322.04(A)(7).
2. 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. 1322.04(A)(10).
3. Respondent's actions, as listed above, violated R.C. 1322.07(A), which prohibits a registrant or applicant for a certificate of registration from making any substantial misrepresentation in any registration application.
4. Respondent's actions, as listed above, violated R.C. 1322.07(C), which prohibits a registrant or applicant for a certificate of registration from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
5. Respondent does not meet the renewal requirements set forth in divisions (A)(6), (A)(7), (A)(10) and (B)(3) of R.C. 1322.04.

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's renewal application 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: Jacqueline Mallett, Consumer Finance 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. At the hearing, a corporation must have a representative that is permitted to practice before the Agency, such as an attorney.

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 renewal application.

Signed and sealed this 25th day of November 2008.

LEIGH A. WILLIS

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