

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

In the matter of:

RANDY L. CLOUSER
690 Greenfield Sabina Road
Greenfield, OH 45123

) Case No. M2009-906
)
) **DIVISION ORDER**
) **Denial of Loan Officer License Renewal**
) &
) **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, 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, Randy L. Clouser ("Respondent") applied to the Division to renew his loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on October 28, 2009, the Division issued Respondent a Notice which informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Pursuant to R.C. 1322.041(B)(3), in order for a loan officer license to be renewed, the Division must find that 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 and in compliance with the purposes of the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(6).
2. Respondent was required to submit an FBI background check as part of his renewal application.
3. By letters dated June 17, 2009 and July 20, 2009, the Division informed Respondent that it had not received a copy of his FBI background check.
4. As of the date of the Notice was issued, Respondent had not submitted an FBI background check to the Division.
5. Because Respondent had not submitted an FBI background check to the Division, the Division cannot find that Respondent's character and general fitness meets the renewal requirement set forth in R.C. 1322.041(A)(6) and (B)(3).
6. As a result of the findings listed above, the superintendent is authorized to deny the renewal application for failure to meet all of the requirements for renewal set forth in R.C. 1322.041(B).

WHEREAS, the Notice informed Respondent of the Division's intent to deny Respondent's loan officer license renewal and of the opportunity for a hearing regarding the denial 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 denying renewal of Respondent loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on October 28, 2009, and service was perfected;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent should be denied a license to act as a loan officer;

Respondent, Randy L. Clouser's loan officer license renewal application is hereby DENIED.

It is so ordered.

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 11th day of December, 2009.

LEIGH A. WILLIS

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