

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

In the matter of:)	Case No. M2009-1149
)	
JEREMIAH A. DENTON)	Notice of Intent to Refuse Issuance of Loan Officer License
115 Paddle Wheel Drive)	&
New Richmond, OH 45157)	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

JEREMIAH A. DENTON ("Respondent") has applied to the Division for a loan officer license. His address of record is 115 Paddle Wheel Drive, New Richmond, Ohio 45157, and his date of birth is April 2, 1979. Respondent's employer of record is Empire Equity Group, Inc. d/b/a 1st Metropolitan Mortgage, 4720 Piedmont Row Drive, Suite 200, Charlotte, North Carolina 28210.

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 REFUSE to issue Respondent a loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to issue a loan officer license if the Division finds that the applicant has violated "or failed to comply with any provisions of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted under a certificate of registration or license."
- B. The version of R.C. 1322.041(A)(3) in effect at the time Respondent submitted his application required the Division to issue a license if, among the requirements, the applicant had not been convicted or pleaded guilty to theft.
- C. In or around 2001, in the Hamilton Municipal Court, located in the City of Hamilton, Butler County, Ohio, Respondent was convicted of theft, a misdemeanor of the first degree.
- D. R.C. 1322.07(A) prohibits an applicant from obtaining a "license through any false or fraudulent representation of a material fact or any omission of a material fact required by

state law, or make any substantial misrepresentation in any registration or license application.”

- E. On or about November 27, 2007, in Case No. M2007-66, the Division issued an Order denying Respondent’s 2006 loan officer license application.
- F. On or about September 14, 2009, Respondent submitted an application for a loan officer license pursuant to R.C. Chapter 1322.
- G. Loan officer application Question Number Eight (8) asked “Have you ever had any type of approval or application to conduct business (such as a license or certificate or authority) denied, revoked, suspended, or refused to be renewed; or have you ever been fined by any state or federal regulatory authority or court in relation to any claim of misconduct in a business transaction?” Respondent answered “Yes,” and disclosed that his loan officer license application was denied in 2002. However, Respondent failed to disclose the November 27, 2007 denial of his 2006 loan officer license application. Therefore, Respondent made a false or fraudulent representation of a material fact or an omission of a material fact required by state law, or making a substantial misrepresentation in a license application in violation of R.C. 1322.07(A).

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

- 1. 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. 1322.041(A)(6).
- 2. Because Respondent was convicted of theft in 2001, the Division has the authority under the version of R.C. 1322.041(A)(3) in effect at the time he submitted his application to refuse to issue Respondent a loan officer license.
- 3. Because Respondent failed to comply with R.C. 1322.07(A), the Division has the authority to refuse to issue Respondent a loan officer license.
- 4. Because Respondent was convicted of theft and violated R.C. 1322.07(A), pursuant to R.C. 1322.10(A)(1)(a) the Division has to authority to refuse to issue Respondent a loan officer license.

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 refusing to issue Respondent a loan officer 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, Consumer Finance Attorney, 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 refusing to issue Respondent a loan officer license.

Signed and sealed this 16th day of March, 2010.

LEIGH A. WILLIS

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