

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

In the matter of:)	
)	Case No. M2006-9992856
BIANCA R. HOWARD)	
1403 Lakeland)	Notice of Intent to Deny Loan Officer
Cincinnati, OH 45237)	License & 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 enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322, and the rules adopted thereunder.

RESPONDENT

Respondent Bianca R. Howard ("Respondent") has applied to the Division for a loan officer license pursuant to R.C. Chapter 1322. Her address of record is 1403 Lakeland, Cincinnati, OH 45237, and her date of birth is July 10, 1956. Respondent has applied for a loan officer license with KLM Mortgage, Inc., a mortgage broker operating under certificate of registration MB #801785.000.

ALLEGATIONS

Pursuant to R.C. 1322.031(B) and 1322.10(B), the Division has conducted an investigation of Respondent to determine whether Respondent meets the conditions for registration under R.C. 1322.041, and as a result thereof, alleges the following:

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.

FINDINGS

Based upon the allegations above, the Division determines the following:

1. Respondent has violated R.C. 1322.07(C) by attempting to avoid the requirement of passing the loan officer test by applying for and obtaining a license four times while never scheduling or taking the exam.
2. Due to Respondent’s violations of R.C. 1322.07(C) and R.C. 1322.052, Respondent has not met 1322.041(A)(2), the condition of licensure which requires license applicants to comply with R.C. 1322.01 to R.C. 1322.12.
3. Because of Respondent’s actions of applying for and obtaining a loan officer license four times while never scheduling and sitting for the exam, the superintendent cannot 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 in compliance with the purposes of sections

1322.01 to 1322.12 of the Revised Code,” which is a condition of obtaining a loan officer license.

4. Respondent failed to complete continuing education during the 2005 calendar year, in violation of R.C. 1322.052.
5. Because of Respondent’s violation of R.C. 1322.07(C) and R.C. 1322.052, according to R.C. 1322.10(A)(1)(a), the superintendent of financial institutions may refuse to issue a license to Respondent.

PROPOSED ACTION

Based upon the allegations and findings above, the Division intends to **DENY** Respondent, Bianca R. Howard, 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 DENYING Bianca R. Howard a loan officer license.

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 to:

**State of Ohio
Department of Commerce
Division of Financial Institutions
Attn: Attorney Timothy C. Winslow
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 a loan officer license.

Signed and Sealed this _____ day of _____, 2006.

Robert M. Grieser
Deputy Superintendent of Financial Institutions

Cc: Timothy C. Winslow, In House Counsel—Division of Financial Institutions
Matt Lampke, Asst. Attorney General, Executive Agencies

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