

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

In the matter of:)	Case No. M2009-953
)	
GEORGE A. MARLOWE)	<u>DIVISION ORDER</u>
5938 Rain Lily Court, #201)	Refusal to Renew Loan Officer License
Naples, FL 34109)	&
)	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 ("OMBA"), as codified in Ohio Revised Code ("R.C.") Chapter 1322, and finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the OMBA; and

WHEREAS, in or about April 2008 and 2009, George A. Marlowe ("Respondent") submitted to the Division renewal applications for a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on April 28, 2010, 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:

- A. R.C. 1322.041(B)(3) provides that a loan officer license will be renewed annually if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (6) of R.C. 1322.041.
- B. R.C. 1322.041(A)(6) provides that a loan officer license will be issued if, among other requirements, "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."
- C. R.C. 1322.07(C) prohibits a licensee from engaging "in conduct that constitutes improper, fraudulent, or dishonest dealings."
- D. R.C. 1322.01(H), as in effect in 2008 and 2009, defines "operations manager" as "the individual responsible for the everyday operations, compliance requirements, and management of a mortgage broker business."
- E. Respondent was the operations manager of former OMBA registrant All State Home Mortgage, Inc. (MB.802505), and was therefore responsible for its compliance with the OMBA pursuant to R.C. 1322.01(H) and 1322.03(A)(3).
- F. On September 23, 2009 in cases M2009-172 and M2009-446, a Settlement and Consent Order was reached between the Division and All State Home Mortgage, Inc. in which All State Home Mortgage, Inc. admitted to violating R.C. 1322.064(A)(1)(c) and R.C. 1322.07(C) and (F).

- G. Because of the violations admitted to by All State Home Mortgage, Inc. while Respondent was its operations manager and, therefore, responsible for its compliance with the OMBA, 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) & (B)(3).
- H. Because Respondent does not meet the conditions for renewal outlined in R.C. 1322.041(A)(6) and (B)(3), the Division has the authority to refuse to renew Respondent's loan officer license.

WHEREAS, the Notice informed Respondent of the Division's intent to refuse to renew Respondent's loan officer license and of the opportunity for a hearing regarding the refusal 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 refusing to renew Respondent's loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on April 28, 2010, 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 the renewal of Respondent's loan officer license should be refused;

THEREFORE, the renewal of Respondent, George A. Marlowe's loan officer license is hereby REFUSED.

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 Division, 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 7th day of July, 2010.

LEIGH A. WILLIS

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