

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

**Bob Taft**  
Governor

**Gary C. Suhadolnik**  
Director

In the matter of:

**JAMES E. OSWALT**  
3869 Dayton Avenue  
Lorain, Ohio 44052

)  
) Case No. 02-LO-D-21  
)  
) **Notice of Intent to Deny Loan Officer License**  
) **&**  
) **Notice of Opportunity for a Hearing**  
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**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 required to accept applications for loan officer licenses, to investigate each applicant, to determine whether an applicant meets the licensure requirements, and to issue qualified applicants a loan officer license.

James E. Oswalt ("Respondent") has applied to the Division for a loan officer license.

Respondent: **JAMES E. OSWALT**  
3869 Dayton Avenue  
45013 Lorain, Ohio 44052  
D.O.B.: January 10, 1964

Employer: **CMS HOME LOANS, LTD**  
1915 North Ridge Road  
Lorain, Ohio 44055

**NOTICE OF PROPOSED ACTION**

Pursuant to R.C. 1322.031(B), the Division has conducted an investigation of Respondent and, as a result thereof, intends to deny Respondent, James E. Oswalt, a license to act as a loan officer under the Ohio Mortgage Broker Act.

**BASIS FOR PROPOSED ACTION**

The results of the Division's investigation indicate that Respondent, James E. Oswalt, has been convicted of a criminal offense involving theft, receiving stolen property, embezzlement,

forgery, fraud, passing bad checks, money laundering, or drug trafficking, or a criminal offense involving money or securities. R.C. 1322.031(A)(2); R.C. 1322.041(A)(3). TO WIT:

1. In or around April 1997, in the Parma Municipal Court, Respondent, James E. Oswalt, was convicted of THEFT, a first degree misdemeanor.

Given Respondent's criminal convictions, the Division believes that:

1. Respondent has not proven that he is honest, truthful, and of good reputation, and that there is no basis in fact to believe that he will not commit such an offense again. R.C. 1322.041(A)(3);
2. 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. R.C. 1322.041(A)(5); and that
3. The public would be best served and that the purpose of the Ohio Mortgage Broker Act would be realized if Respondent, James E. Oswalt, is denied a license to act as a loan officer in the state of Ohio.

#### **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 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:

State of Ohio  
Department of Commerce  
Division of Financial Institutions  
Attn: Attorney Amanda Axtell  
77 South High Street, 21<sup>st</sup> 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

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 2<sup>nd</sup> day of October, 2002.

## Division of Financial Institutions

Deputy Superintendent for Consumer Finance