

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

In the matter of:	)	Case No. M2007-111
	)	
<b>DARRYL E. SWAIN</b>	)	<b><u>DIVISION ORDER</u></b>
514 Sumner Street	)	Denial of Loan Officer Application
Toledo, OH 43609	)	&
	)	Notice of Appellate Rights
	)	

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WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division 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, the Division issued Darryl E. Swain ("Respondent") a loan officer license on January 3, 2005, which expired by operation of law after 90 days for failure to pass the loan officer license examination;

WHEREAS, on September 19, 2006 Respondent reapplied for a loan officer license and said application remains pending; and

WHEREAS, on March 22, 2007, the Division issued Respondent a Notice that informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent failed to comply with R.C. 1322.052 by not completing at least six hours of continuing education during the 2005 calendar year.
2. Because Respondent failed to comply with R.C.1322.052, the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse to issue Respondent a loan officer license.

WHEREAS, the Notice informed Respondent of the Division's intent to deny Respondent's loan officer license application 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 the application for a loan officer license[;]"

WHEREAS, the Division was unable to obtain service upon Respondent at the address Respondent provided, and the Division published the Notice in accordance with R.C. Chapter 119 in the *Toledo Legal News* for three (3) consecutive weeks;

WHEREAS, Respondent failed to request a hearing by the statutory deadline 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's loan officer license application should be denied;

Respondent, Darryl E. Swain's loan officer license application is hereby DENIED.

### **NOTICE OF APPELLATE RIGHTS**

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 10<sup>th</sup> day of July 2007.

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**RICHARD F. KECK**

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