

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

In the matter of:	)	Case No. M2008-513
	)	
<b>KELLY J. FLYNN</b>	)	<b><u>DIVISION ORDER</u></b>
29946 Elgin	)	<b>Approval of 2008 &amp; 2009 Loan Officer</b>
Wickliffe, OH 44092	)	<b>License Renewals</b>
	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
	)	

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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 licensure of mortgage loan officers.

Respondent, Kelly J. Flynn ("Respondent"), submitted an application to the Division to renew her loan officer license, which expired on April 30, 2008. On October 29, 2008, the Division issued Respondent a Notice of Intent to Deny Loan Officer License Renewal. On November 14, 2008, the Division issued Respondent an Amended Notice of Intent to Deny Loan Officer License Renewal. The Amended Notice, which was further amended without objection at the administrative hearing, notified Respondent that it intended to deny the renewal of her loan officer license based upon the following allegations:

1. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew a loan officer license if the Division finds that the licensee has violated "or fail[ed] to comply with any provision 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[.]"
2. 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.
3. Respondent answered "No" when asked in her 2008 loan officer license renewal application whether she had been charged with, convicted of or pleaded guilty to any

state or federal criminal offense including but not limited to “passing bad checks, . . . or any criminal offense involving money[.]”

4. In or around May 2008, Respondent attested that answers Respondent provided in her loan officer license renewal application submitted to the Division was complete and truthful when it was not.
5. In or around May 2008, in an attempt to renew her loan officer license, Respondent provided untruthful information to the Division.
6. Respondent’s actions, as listed above, violated R.C. 1322.07(A), which prohibits a loan officer applicant from “mak[ing] any substantial misrepresentation in any registration or license application [.]”
7. Respondent’s actions, as listed above, violated R.C. 1322.07(B), which prohibits a loan officer applicant from “[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]”
8. Respondent’s actions, as listed above, violated R.C. 1322.07(C), which prohibits a loan officer applicant from “[e]ngag[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings.”
9. 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).
10. Because Respondent does not meet the renewal requirements set forth in divisions (A)(2), (A)(6) and (B)(3) of R.C. 1322.041, the Division is authorized to deny Respondent’s loan officer renewal application pursuant to R.C. 1322.10(A)(1)(a).

Respondent requested an administrative hearing which was held before a hearing officer on December 16, 2008. Respondent appeared at the hearing without counsel. The hearing officer’s Report and Recommendation was filed with the Division on February 13, 2009, recommending that the Division approve Respondent’s 2008 renewal application. (A copy of the Report and Recommendation is attached). No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. Following its review of the record, the Division hereby adopts the hearing officer’s

recommendation. Therefore, the Division approves the renewal of Kelly J. Flynn's loan officer license.

It is so ordered.

**NOTICE OF APPELLATE RIGHTS**

Respondent is hereby notified that pursuant to R.C. 119.12, this Order may be appealed 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 7<sup>th</sup> day of June, 2010.

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**LEIGH A. WILLIS**

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