

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

In the matter of:)	Case No. 05-0039-LOD
)	
MISTY S. WALKER)	<u>DIVISION ORDER</u>
147 South 15 th Street)	Vacation of Action
Sebring, Ohio 44672)	&
)	Notice of Appellate Rights

Respondent, Misty S. Walker (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on October 26, 2004. On April 22, 2005 the Division notified Respondent that it intended to deny her Application because: (1) in 2004, Respondent attested in a sworn statement that information she provided about her criminal background in the Application was complete and truthful when it was not; (2) in 2004, in an attempt to obtain a loan officer license, Respondent provided untruthful information about her criminal background to the Division; (3) she violated R.C. 1322.07(A) by making a substantial misrepresentation in the Application; (4) she violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law in the Application; (5) she violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; (6) because her character and general fitness did 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 R.C. 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on September 22, 2005. A Report and Recommendation (“Report”) was filed with the Division on April 24, 2006, recommending that the Division deny Respondent’s application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner’s Report is attached).

The Division disapproves paragraphs 2 and 3 on pages 3-4 under the heading “B. Loan Officer License Application.” and paragraphs 11-12 on page 6 of the Report.

The cases cited are not relevant to the issues at hand. The relevant burdens of proof are determined by the Ohio Mortgage Broker Act.

The Division disapproves the recommendation found on page 6 of the Report.

During the course of testimony it was revealed that Respondent did not sign her Application in front of a notary. (Transcript pgs. 27-33). Swearing under oath to the truthfulness of all answers in front of a notary is a requirement of a valid loan officer license application. (See R.C. 1322.031(A)). Therefore, the evidence has established that Respondent did not submit a valid loan officer license application. Because the Division finds that Respondent does not have a valid pending application and for the reasons stated above, Respondent’s request for licensure is denied.

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, pursuant to R.C. 119.12, 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 30th day of April 2007.

RICHARD F. KECK

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