

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

In the matter of:)	Case No. M2007-724
)	
MICHELLE J. WALKER)	Notice of Intent to Deny Loan Officer License
8091 Augusta Lane)	Renewal Application
Sagamore Hills, Ohio 44067)	&
)	Notice of Opportunity for a Hearing
)	

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 accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

MICHELLE J. WALKER ("Respondent") is an individual who holds a loan officer license 029438 issued by the Division pursuant to Chapter 1322. Her address of record is 8091 Augusta Lane, Sagamore Hills, Ohio 44067, and her date of birth is November 11, 1950. Respondent's employer of record is Everett Financial, Inc. d/b/a Supreme Lending, 17290 Preston Road, Suite 300, Dallas, Texas 75252.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license renewal application.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation, pursuant to R.C. 1322.031(B), and has found the following:

- A. The Division is authorized by R.C. 1322.041(B) to renew a loan officer license if the Division finds that the applicant has complied with the Ohio Mortgage Broker Act and finds that the applicant's character and fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(2), (A)(6) and (B)(3).
- B. The Division is required by Ohio Admin. Code 1301:8-7-21(G) to consider if an applicant "[h]as engaged in any conduct which would reflect on the reputation for honesty, integrity or competence in business and personal dealings of the applicant . . . including but not limited to the failure to provide complete and accurate information concerning the applicant's . . . past" in order to determine an applicant's character and general fitness.

- C. The Division is authorized by Ohio Admin. Code 1301:8-7-10(G) to deny a loan officer's renewal application if the applicant submits "false or incomplete information or omit[s] information in connection with a license application [.]"
- D. In or around December 2007, Respondent was arrested by the Bedford Heights Police Department for Theft and Forgery.
- E. In or around January 2008, the Cuyahoga County Common Pleas Grand Jury indicted Respondent for: (1) Misuse of Credit Card (R.C. 2913.21); (2) Theft (R.C. 2913.02); and (3) eight (8) counts of Forgery (R.C. 2913.31).
- F. In or around May 2008, Respondent submitted a loan officer license renewal application.
- G. The 2008 Loan Officer Renewal Application ("2008 Renewal") provided the following instruction for all questions: "Within the past sixteen (16) months have any of the following occurred that were not reported to the Division." (Emphasis original). Question Number 2 of the 2008 Renewal asked "Have you been charged with, convicted of or pleaded guilty to any state or federal criminal offense including but not limited to theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities (except minor traffic violations)?"
- H. Respondent answered "No" to Question Number 2 of the 2008 Renewal.

As a result of the findings listed above, the Division has determined that:

- 1. Because Respondent failed to disclose being charged with and indicted for felony criminal offenses on her 2008 Renewal application, Respondent's 2008 Renewal application contained false or incomplete information and/or omitted information.
- 2. Because Respondent submitted false or incomplete information on and/or omitted information from her 2008 loan officer renewal application, Respondent's 2008 Renewal application should be denied. See, R.C. 1322.041(B) and Ohio Admin. Code 1301:8-7-10(G).
- 3. Because Respondent failed to disclose that she had been charged with criminal offenses and/or omitted that fact from her 2008 loan officer renewal application, Respondent violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
- 4. Because Respondent failed to disclose that she had been charged with criminal offenses and/or omitted that fact from her 2008 loan officer renewal application, Respondent 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[.]"
- 5. Because Respondent failed to disclose that she had been charged with criminal offenses and/or omitted that fact from her 2008 loan officer renewal application, Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
- 6. Because Respondent violated R.C. 1322.07(A), (B) and (C), the Division is authorized under R.C. 1322.10(A)(1)(a), R.C. 1322.041(B)(3), Ohio Admin. Code 1301:8-7-10(G) and Ohio Admin. Code 1301:8-7-21(G) to deny issuance of a loan officer renewal license to Respondent.

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 renewal 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: Ohio Division of Financial Institutions, Attn: Lori A. Massey - Attorney Examiner, 77 South High Street, 21st 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 position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing for and against Respondent.

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's loan officer license renewal application.

Signed and sealed this 19th day of August, 2008.

LEIGH A. WILLIS

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