

**STATE OF OHIO  
DEPARTMENT OF COMMERCE  
DIVISION OF FINANCIAL INSTITUTIONS**

RECEIVED  
DIVISION OF FINANCIAL  
INSTITUTIONS

**IN RE:** : **CASE #: M2006-9992833 06 SEP -8 PM 2: 29**  
:  
**KELLY M. NUNAMAKER** : **ADMINISTRATIVE HEARING**  
**(the "Applicant")** : **OFFICER**  
: **MARK J. BALLENGER, ESQ.**  
:  
**(Loan Officer** :  
**License Application)** :

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**ADMINISTRATIVE HEARING OFFICER'S  
REPORT  
Issued September 7, 2006**

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**BACKGROUND**

On or about June 14, 2006, the Ohio Division of Financial Institutions ("the State") served the Applicant with notice that it intended to deny the Applicant a loan officer license. On June 22, 2006, the Applicant requested a hearing about the matter. In turn, the Applicant's request was honored.

This case was heard on August 11, 2006, beginning at 10:07 a.m. at 77 S. High Street, Columbus, Ohio, Rm. 1908. A stenographic record was made of the proceeding. On August 31, 2006, a transcript was received for preparation of this report.

The Applicant attended the hearing. The Applicant was represented by Attorney Jonathan T. Tyack. Assistant Attorney General James M. Evans represented the State.

This report is hereby filed with the Superintendent of the Division of Financial Institutions and the Applicant.

**INDEX OF EXHIBITS ADMITTED TO RECORD**

Exhibit #/Document I.D.      Description of Exhibit

**STATE'S EXHIBITS**

1. Exh. 1      Copy of the Applicant's May 2006, Loan Officer Application ("Application #1") (submitted in place of Application #2)
2. Exh. 2      Copy of the Applicant's March 7, 2006, Loan Officer Application ("Application #2")
3. Exh. 3      Copy of May 12, 2006, State's letter informing the Applicant her application fee was not submitted with Application #2

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|-------------|--|
| 4. Exh. 4   | Copy of a letter notifying Empire Mortgage, Inc. that the application fee was not submitted with Application #2  |
| 5. Exh. 5   | Notice of Intent to Deny Loan Officer License Application & Notice of Opportunity for Hearing and transmittal letter with certified mail receipt   |
| 6. Exh. 6   | Hearing Request Form   |
| 7. Exh. 7   | Notice of hearing  |
| 8. Exh. 8   | Notice of rescheduled hearing  |
| 9. Exh. 9   | Copy of Loan Officer Application Explanation and Instructions  |
| 10. Exh. 10 | Copy of R.C. 1322.031  |
| 11. Exh. 11 | Copy of R.C. 1322.041  |
| 12. Exh. 12 | Copy of court documents showing a 1998 conviction for OMVI (operating a motor vehicle while intoxicated), which amounted to no apparent fines or jail time but merely driving rights suspension and limited driving privileges |
| 13. Exh. 13 | Copies of September 2005 ticket for expired registration and related documents   |
| 14. Exh. 14 | Copy of court documents that indicate the fine paid for expired registration offense was merely \$25   |

**APPLICANT'S  
EXHIBITS**

- |             |   |
|-------------|---|
| 15. Exh. A  | Copy of letter from Greg Janowicz               |
| 16. Exh. B  | Copy of letter from Tim Krichbaum               |
| 17. Exh. C  | Copy of letter from Heather and Michael DiSalvo |
| 18. Exh. D  | Copy of letter from Sally Workman               |
| 19. Exh. E. | Copy of email from Julie Bowers                 |
| 20. Exh. F  | Copy of email from David M. Griebner            |
| 21. Exh. G  | Copy of email from Nancy Ingold                 |

**TESTIMONY GIVEN BY**

- The Applicant

**FINDINGS OF FACT**

1. The State advised the Applicant of the reasons for its intent to deny the Applicant a loan officer license. (See the attached two pages, marked "Copy.")
2. In her most recent Loan Officer Application (Exh. #1), (substituted for an earlier application (Exh. #2)), the Applicant disclosed that in 1996, she was convicted for drug trafficking, selling of marijuana, while a senior in high school. She received a suspended sentence for her conviction and has since been released from any obligations related to that conviction. (Tr.<sup>1</sup> 31-33. )
3. Since the 1996 conviction for drug trafficking, the Applicant was convicted of OMVI in 1998, for which she received no jail time or fine, and also has committed the following

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<sup>1</sup> "Tr." refers to the transcript from the subject hearing.

offenses: (1) driving with an expired registration in 2005, for which she received a \$25 fine and (2) a speeding ticket. (Tr. 60-61, 67-75, and 89.)

4. The Applicant's testimony and letters in support of her application show she is trustworthy, hardworking, and of good character. (Applicant's Testimony; Exhs. #15-#21; Tr. 34-38; Tr. 53, lines 12-25; and, Tr. 54, lines 1-12.) She is a nursery coordinator at a church, where she is paid as salaried staff. (Tr. 29, lines 14-16.) Also, she has been interning at Empire Mortgage. (Tr. 30, lines 11-25.)

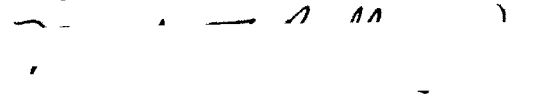
### **CONCLUSIONS OF LAW**

The Applicant has proven by a preponderance of the evidence that her activities and employment record since the 1996 drug trafficking conviction show that she is honest, truthful, and of good reputation, and there is no basis in fact for believing that she will be subject to such a judgment again. (Findings of Fact #2 and #4.) Her one-time, dated OMVI conviction and her few minor offenses since 1996 do not indicate that she would commit one of the enumerated crimes found in R.C. 1322.031(A)(2) or would not operate a loan officer business honestly and fairly. (Findings of Fact #3 and #4.)

### **RECOMMENDATION OF ACTION**

Therefore it is recommended that the Superintendent of the Division of Financial Institutions grant the Applicant's request for the issuance of a loan officer license.

Respectfully submitted,

  
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Mark J. Ballenger  
Administrative Hearing Officer