

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

In the matter of:)	Case No. 02-LO-D-49
)	
CHRISTINA M. GAVIN)	<u>DIVISION ORDER</u>
2239 Hamilton Avenue)	Denial of loan officer license application
Poland, Ohio 44514)	&
<hr style="width: 50%; margin-left: 0;"/>)	Notice of Appellate Rights

Respondent, Christina M. Gavin, submitted a loan officer license application to the Division of Financial Institutions ("Division") on March 25, 2002. On October 2, 2002, the Division notified Gavin that it intended to deny her loan officer license application because: (1) she was convicted of theft in 1991; (2) she pleaded guilty to and was convicted of sexual battery in 1997; (3) she was found to be in violation of her probation in 1998; (4) she pleaded guilty to and was convicted of driving with a prohibited blood alcohol content in June, 1998; (5) she pleaded guilty to and was convicted of driving under the influence in September, 1998; (6) she pleaded guilty to and was again convicted of driving under the influence in September, 1998; (7) she had not proven to the Division that she is honest, truthful, and of good reputation and that there is no basis in fact for believing that she will not commit another theft offense; (8) and her character and general fitness do not command the confidence of the public and warrant the belief that her 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; and (9) the public would be best served by the denial of her loan officer license application.

Gavin requested a hearing and an administrative hearing was held on February 20, 2003. A Report and Recommendation was filed with the Division on May 12, 2003, recommending that the Division approve Gavin's application and grant her a loan officer license. 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. As a result, the Division makes the following findings and conclusions.

For the reasons stated hereafter, the Division disapproves paragraph 7 on page 6 of the Report and Recommendation and the Recommendation on page 6 of the Report and Recommendation:

The Division finds that Gavin was placed in a position of trust and violated that very trust she was given. On May 6, 1997, Gavin pleaded guilty to and was convicted of Sexual Battery, a violation of R.C. § 2907.03(A)(6). (Exhibit 8.) Section (A)(6) of R.C. 2907.03 reads:

(A) No person shall engage in sexual conduct with another, not the spouse of the offender when any of the following apply:

.....(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

Gavin was a counselor at a minimum security facility. (Transcript, p. 33.) Gavin had a sexual relationship with a person whom she had “supervisory or disciplinary authority” over, namely a former client of hers who was at the facility. (Transcript, p. 34 and R.C. § 2907.03(A)(6).) Gavin admitted that she knew her behavior was unethical at the time, but still engaged in the sexual relationship. (Transcript, p. 33.) As a result of Gavin’s actions, not only was she convicted of sexual battery, but she also could not get recertified as a chemical dependency counselor. (Transcript, p. 43.)

The fact that Gavin knew her behavior was unethical but chose to engage in a legally prohibited sexual relationship troubles the Division. (Transcript, pp. 33-34.) This admitted unethical and illegal behavior, which happened in the course of her employment and while she held the trust of her employer and a certifying body, shows that her character and general fitness do not command the confidence of the public. These actions, in conjunction with Gavin’s other proven criminal convictions contained in the record, show that the Division has met its burden and shown that Gavin’s character and general fitness do not command the confidence of the public and warrant the issuance of a loan officer license. On a daily basis, loan officers are placed in a position of trust with aiding people with what is often their single largest investment. Gavin does not have the requisite character and general fitness to originate loans.

In accordance with the foregoing, the Division concludes that Gavin’s loan officer license application should be 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 15th day of September 2005.

ROBERT M. GRIESER

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