

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

In the matter of:)	Case No. 04-0099-LOD
)	
STEVEN A. MAYNARD)	<u>DIVISION ORDER</u>
1402-D Mosswood Place)	
Fairfield, Ohio 45014)	Denial of Loan Officer License Application
)	

DIVISION ORDER

On March 18, 2002, Steven A. Maynard ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On January 22, 2004, the Division issued Respondent a notice of the Division's intent to deny Respondent's application, and notified Respondent of his right to a hearing on the matter. Respondent requested a hearing, and pursuant thereto, an administrative hearing was held in accordance with Ohio Revised Code Chapter 119 on March 26, 2004.

The hearing officer filed his written report and recommendation with the Division on June 8, 2004, recommending that the Division deny Respondent's application. A copy of the report and recommendation and a letter explaining Respondent's right to submit written objections to the report was served on Respondent. Respondent's attorney filed objections, which have been considered. The Division finds that it has complied with Chapter 119 of the Ohio Revised Code and that Respondent had an opportunity to be heard. Therefore, Respondent's request for another hearing has been denied.

In accordance with R.C. § 119.09, the Division has considered the Report and Recommendation, applicable laws, Respondent's objections, the transcript of testimony and the exhibits. As a result, the Division modifies and/or disapproves the findings and/or conclusions listed below. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached hereto as Exhibit A.)

- The Division modifies paragraph 1(b) on page 1 of the Report and Recommendation.

Paragraph 1(b) on page 1 reads "On or around March 7, 2002, Mr. Maynard attested in a sworn statement that information he provided on a licensing application was truthful knowing that the information he provided was false; and was again convicted of prostitution, a second offense[.]"

According to the record, Mr. Maynard was never convicted of prostitution. Paragraph 1(b) on page 1 shall read "On or around March 7, 2002, Mr. Maynard attested in a sworn statement that information he provided on a licensing application was truthful knowing that the information he provided was false."

- The Division modifies paragraph 2(a) on page 1 of the Report and Recommendation.

Paragraph 2(a) on page 1 reads “Mr. Maynard has not proven that he is honest, truthful and of good reputation and that there is no basis in fact for believing that he will not commit another criminal offense involving theft or any criminal offense involving money or securities as set forth in Revised Code Sections 1322.031(A)(2) and 1322.041(A)(3)[.]”

According to the record, Mr. Maynard was never convicted of theft, but was convicted of attempted drug trafficking. (See exhibits 2, 3, 4, and 7 and Transcript pages 8-9) Paragraph 2(a) on page 1 shall read “Mr. Maynard has not proven that he is honest, truthful and of good reputation and that there is no basis in fact for believing that he will not commit another criminal offense involving drug trafficking or any criminal offense involving money or securities as set forth in Revised Code Sections 1322.031(A)(2) and 1322.041(A)(3)[.]”

- The Division modifies the first sentence of paragraph 4 on page 7 of the Report and Recommendation.

The first sentence of paragraph 4 on page 7 of the Report and Recommendation reads “Because the Respondent has been convicted of an attempted drug offense, the burden of proof shifted to the Respondent to show by a preponderance of the evidence that his activities and employment record since his conviction show that he is honest, truthful and of good reputation and that there is no basis for believing he will commit such an offense again.”

An attempted drug offense does not necessarily shift the burden of proof to the Respondent. Only if that attempted drug offense is an offense involving drug trafficking. (See R.C. Sections 1322.031(A)(2) and 1322.041(A)(3)) The attempted drug offense in the instant case is one that involves drug trafficking. (See exhibits 2, 3, 4, and 7 and Transcript pages 8-9) The first sentence of paragraph 4 on page 7 of the Report and Recommendation shall read “Because the Respondent has been convicted of an offense involving drug trafficking, the burden of proof shifted to the Respondent to show by a preponderance of the evidence that his activities and employment record since his conviction show that he is honest, truthful and of good reputation and that there is no basis for believing he will commit such an offense again.”

- The Division modifies the first sentence of paragraph 3 on page 7 of the Report and Recommendation.

The first sentence of paragraph 3 on page 7 reads “The misdemeanor offense of attempted possession of drugs occurred approximately thirteen years prior to the hearing in this matter, and, based on the tiniest of evidence in the record, appears to have no relationship to the financial services industry.”

The first sentence of paragraph 3 on page 7 states the offense of attempted possession of drug occurred. That is not correct and is not contained anywhere in the record. Respondent was convicted of attempted drug trafficking approximately thirteen years ago. (See exhibits 2, 3, 4, and 7 and Transcript pages 8-9). By statute, drug trafficking is a crime that is related to the financial services industry. (See R.C. Sections 1322.031(A)(2) and 1322.041(A)(3)) The first sentence of paragraph 3 on page 7 shall read “The misdemeanor offense of attempted drug trafficking occurred approximately thirteen years prior to the hearing in this matter.”

Upon consideration of the hearing officer's report and recommendation, the Division confirms and approves the recommendation. Accordingly, Respondent's application for a loan officer license is hereby denied.

NOTICE OF RIGHT TO APPEAL

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 2nd day of August 2005

ROBERT M. GRIESER

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

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