

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

In the matter of:)	Case No. M2006-9993037
)	
KIMBERLY S. SHINKLE)	<u>DIVISION ORDER</u>
6392 Middleboro Road)	Approval of Loan Officer License Application
Blanchester, Ohio 45107)	&
)	Notice of Appellate Rights

Respondent, Kimberly S. Shinkle (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on August 10, 2006. On September 14, 2006, the Division notified Respondent that it intended to deny her Application because: (1) In or around 2004, in the Brown County, Ohio, Municipal Court, Respondent pleaded guilty to and was convicted of Theft, a misdemeanor of the first degree; (2) In or around 2004, in the Brown County, Ohio, Municipal Court, Respondent pleaded guilty to and was convicted of Menacing, a misdemeanor of the fourth degree. (3) Respondent had not proven 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 criminal offense involving theft or any criminal offense involving money or securities; (4) 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 January 18, 2007. Respondent appeared without counsel. A Report and Recommendation (“Report”) was filed with the Division on September 4, 2007, recommending that the Division grant 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. (A copy of the Report is attached).

The Division must clarify the last paragraph of Section (C)i on page 3 of the Report. The Division did not use R.C. 1322.031(A)(2) as a basis for denying Respondent's application. The Division merely references said section to illustrate an application requirement.

Following its review of the record, the Division hereby adopts the hearing officer's recommendation and approves the Application of Kimberly S. Shinkle. Respondent should be aware of the recent amendment to the Ohio Mortgage Broker Act, which prohibits the Division from renewing the loan officer license of anyone convicted of a theft offense. *See*, R.C. 1322.041(A)(3) and (B)(3), eff. Jan. 1, 2007.

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 4th day of February 2008.

LEIGH A. WILLIS

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