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STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS

IN RE: : CASE NO. 05-0190-LOD
: :
WILLIE J. WILLIAMS : JANE S. ARATA, HEARING OFFICER

ADMINISTRATIVE HEARING OFFICER'S
REPORT AND RECOMMENDATION
Issued April 6, 2006

I. FINDINGS OF FACT

A. Background.

This matter came before Jane S. Arata, an attorney licensed to practice law in Ohio, and duly appointed by the Ohio Division of Financial Institutions ("Division") to serve as Hearing Officer for this hearing in accordance with the Ohio Administrative Procedure Act, Ohio Revised Code ("R.C.") Chapter 119. The hearing was held on March 14, 2006, at 77 South High Street, Columbus, Ohio. The hearing was held at the request of Respondent Willie J. Williams ("Respondent" or "Mr. Williams") to consider the allegations in the Division's Notice of Intent to Deny Loan Officer License and Notice of Opportunity for a Hearing ("NOH").

The Division alleged that Respondent was convicted in 1996 of aggravated vehicular homicide incident to driving while intoxicated. Therefore, the Division asserted that Respondent is not eligible for a loan officer license pursuant to the Ohio Mortgage Broker Act, R.C. Chapter 1322, because Respondent's character and general fitness do not command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act as required by R.C. 1322.041(A)(5).

Timothy Loughry, an Assistant Attorney General with the Executive Agencies Section of the Ohio Attorney General's Office, represented the Division at the hearing. Respondent appeared *pro se* and testified at the hearing. At the hearing, State's Exhibits 1 and 2 and Respondent's Exhibit A were admitted into the record.

B. Jurisdiction and Procedural Matters.

The Division issued the NOH to Respondent on December 23, 2005. Respondent's hearing request was received by the Division on January 9, 2006. The Division scheduled the hearing for January 19, 2006, and continued it until March 14, 2006. The Respondent received the NOH by certified mail and received written notice of the date, time and location for all hearing dates set in this case.

C. Respondent's Loan Officer Application and Criminal Conviction.

1. Respondent is an individual who wants to conduct business in Ohio as a mortgage loan officer. (State's Exhibits 1 and 2; Hearing Transcript ("TR") at 45-46.)
2. On May 2, 2002, amendments to Ohio's Mortgage Broker Act became effective that required mortgage loan officers to be licensed by the Division. R.C. 1322.02(B).
3. The Division received Respondent's Loan Officer Application ("Application") on June of 2005. (State's Exhibit 2.)
4. Respondent disclosed his 1996 vehicular homicide (DUI) conviction on his Application and attached the Journal Entry evidencing the conviction. He also provided the following written explanation of the underlying events:

On January 19, 1996, I was involved in a fatal car crash. Approximately seven months later, I was sentenced to a term of 5 to 10 years. I served roughly 6 ½ years of this sentence. The car crash, the jail time and the subsequent recovery were the direct result of my addiction.

While in prison, I equipped myself with the things that would make rehabilitation possible. I joined an intensive drug rehabilitation program, which I was a part of for two years. I was in an outreach program that went to neighboring schools and colleges explaining the dangers of poor choices and bad decisions. Understanding the importance of education, I became a tutor to help other inmates pass the G.E.D. I also took several college courses before the program was ultimately discontinued.

Upon release (November 19, 2002), I continued my education at Cuyahoga Community College, majoring in Real Estate and Mortgage Finance. After seven straight semesters, I will be graduating May 19, 2005 with two associate degrees with honor distinctions.

It has been over nine years since that fatal night. A night that changed so many lives. As with any tragedy, change is [inevitable]. Besides wanting to change, I needed to change. I no longer wanted to be thoughtless, inconsiderate and lost. I needed to be productive, positive and goal-oriented. All of which is evident in my service, schooling and career aspirations.

(State's Exhibit 2.)

5. Respondent's testimony at the hearing was consistent with the information provided in his Application. When the accident occurred, the Respondent was using marijuana, PCP, and alcohol. He has not used any of those substances for almost 10 years. The events underlying Respondent's conviction took place in 1996. During that time, Respondent made bad choices and abused drugs and alcohol. His actions ended the life of another and forever changed the lives of many others. He began to turn his life around before he went to prison and continued to do so while incarcerated and after his release. (Respondent's Exhibit A; TR at 20-24, 33, 41-44.)

D. Respondent's Reputation and Character.

6. Achia Williams, Respondent's wife of almost one year, testified about his reputation in the community and her experiences with him since 1991. When she first knew him, he was funny, smart, and got along well with others. He began to have problems prior to the accident and was not the person she knew initially. Although they have a ten year old a son, she did not see him during that period. She did not like the person that he was then. The accident changed Respondent and he became a part of her and her son's lives again. After his release from prison, he was a different person. He was focused and very involved with his family. She confirmed that he no longer uses drugs or alcohol. He is well liked and respected in their community. (TR at 41-44.)
7. Ms. Williams was a very credible and compelling witness. She did not down play Respondent's past problems. Her testimony corroborated and confirmed Respondent's own testimony about his successful rehabilitation.

8. Respondent has made great changes in his life since 1996. He addressed his problems with alcohol and drugs and helped educate others about the grave consequences of making bad decisions and choices. He graduated from Cuyahoga Community College on May 19, 2005, with two associate degrees with honor distinctions in Real Estate and Mortgage Finance. Respondent has been gainfully employed since his release without incident. He worked for Cuyahoga Community College, Cuyahoga Metropolitan Housing Authority, and the City of Bedford Heights. His responsibilities have included working with senior citizens and children. He is currently employed by First National Mortgage Group where he has worked for over one year. (Respondent's Exhibit A; TR at 18-20, 22-38.)
9. Respondent submitted reference letters from seven individuals. Collectively, they know him as an individual, are familiar with his work including his work in the mortgage industry, and are familiar with his college course work. The letters speak favorably of Respondent's financial knowledge and overall character. (Respondent's Exhibit A; TR at 29-33.)
10. Respondent identified the reference letters but the authors of those letters were not available for cross-examination by the Division at the hearing. Therefore, the reference letters were admitted into the record but were given less weight than they might have been given if the authors had testified regarding the bases for their opinions as well as been available for cross-examination. Thus, even in this proceeding to which the Rules of Evidence do not strictly apply, the letters contained in Respondent's Exhibit A were reviewed and given some weight but not the weight they might have been given if their authors had testified at the hearing.
11. The Hearing Officer found Respondent to be honest and truthful at the hearing. He has learned from his mistakes and improved his life greatly since 1996. He candidly discussed the issues he dealt with in his past and readily provided information about them to the Division during all parts of this licensing process. The events underlying his conviction reflect the low point in his life and not the person he is today. His reputation is good and he is well regarded by others. He is not likely to commit any criminal offense again.
12. Respondent has established that his character and general fitness command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of Ohio's Mortgage Broker Act.

II. CONCLUSIONS OF LAW

A. Jurisdiction and Procedural Matters.

The Division procedurally complied with R.C. Chapter 119 and jurisdiction over this matter has been established.

B. Loan Officer License Application.

1. The Division is the state agency responsible for the licensing and regulation of mortgage loan officers pursuant to the Ohio Mortgage Broker Act, R.C. Chapter 1322.
2. Ohio Revised Code Section 1322.041(A) provides that a loan officer license shall be issued if the Superintendent of Financial Institutions finds that certain conditions are met, including:
 - (5) The applicant's character and general fitness 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 sections 1322.01 to 1322.12 of the Revised Code.

R.C. 1322.041(A)(5).
3. Respondent was convicted of vehicular homicide (DUI) in 1996.
4. Respondent was honest about his conviction and his troubled past on his Application and at the hearing. He has learned from his mistakes and improved his life greatly since 1996.
5. Respondent's testimony, the testimony of his wife, and the letters submitted establish that he is now a different person and not likely to repeat his past mistakes. He was involved in serious criminal activity in 1996. After 1996, the record evidences a person who has worked hard to earn the trust of others and establish himself as a good person. He has turned his life around and now enjoys a good reputation in his community. Ten years without incident indicate the changes he has made are permanent and support the conclusion that there is no basis in fact for believing that he will commit any criminal offense again.
6. Respondent has also established that his character and general fitness command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of Ohio's Mortgage Broker Act as required by R.C. 1322.041(A)(5).

III. RECOMMENDATION

The Respondent has established the licensing prerequisites set forth in Ohio Revised Code Section 1322.041(A)(5). Therefore, I respectfully recommend that the Superintendent of the Division of Financial Institutions issue Respondent a loan officer license pursuant to R.C. 1322.041.

Respectfully submitted,

Jane Stempel Arata
Administrative Hearing Officer
April 6, 2006