

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

In the matter of:)	Case No. M2006-9992745
)	
JANET E. YOUNG)	<u>DIVISION ORDER</u>
3532 Haywood Court)	Denial of Loan Officer License Application
Pickerington, OH 43147)	&
)	Notice of Appellate Rights

Respondent, Janet E. Young, submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on March 22, 2006. On July 27, 2006, the Division notified Respondent that it intended to deny her loan officer license application because: (1) in 1985, in the Fairfield County Municipal Court, Ohio she pleaded guilty to and was convicted of insufficient funds, and has 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 passing bad checks or any criminal offense involving money or securities; (2) she violated R.C. 1322.07(A) by failing to disclose her convictions on her loan officer license application; (3) she violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law on the licensing application; (4) she violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (5) because her character and general fitness did 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.

Respondent requested an administrative hearing which was held on October 4, 2006. A Report and Recommendation was filed with the Division on November 16, 2006, recommending that the Division deny Respondent’s application. Objections were filed but they were not timely.

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. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner’s Report and Recommendation is attached).

The Division disapproves paragraph D on page 3 of the Report and Recommendation.

Question number 5 on the Application specifically inquires about any prior criminal convictions, including passing bad checks. Violations of R.C. 1322.07 (A), (B), and (C) do not require intent.¹ Respondent answered “no” to Question 5 of the Loan Officer License Application. (See State’s Ex. 4). Respondent’s statement that she had not been convicted of any offenses is a false or misleading statement. The Division finds that Respondent’s failure to disclose her passing bad checks conviction, an enumerated offense, on her loan officer license application is conduct that constitutes “improper, fraudulent, or dishonest dealings” for the purposes of R.C. 1322.07(C).

The Division approves the recommendation on page 4 of the Report and Recommendation and hereby denies the Loan Officer License Application of Janet E. Young.

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, 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 1st day of December 2006.

ROBERT M. GRIESER

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

¹ R.C. 1322.07 (E) and (F) contain language of intent by using the term “knowingly,” whereas R.C. 1322.07 (A), (B), and (C) do not.