

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

In the matter of:)	Case No. M2006-9992939
)	
MATTHEW S. MURRAY)	<u>DIVISION ORDER</u>
544 Austin Smith Drive)	Denial of Loan Officer License Application
Monroe, OH 45050)	&
)	Notice of Appellate Rights

Respondent, Matthew S. Murray (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on July 17, 2005. On August 30, 2006 the Division notified Respondent that it intended to deny his Application because: (1) in or around 2003, in the Court of Common Pleas, Butler County, Ohio, Respondent was convicted of one count of trafficking in marihuana, a fifth degree felony, and two counts of attempted trafficking in marihuana, first degree misdemeanors; (2) Respondent had 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; (3) because his 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 October 20, 2006. A Report and Recommendation (“Report”) was filed with the Division on November 28, 2006, 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. (The Hearing Examiner’s Report is attached).

The Division disapproves paragraphs 4, CONCLUSIONS OF LAW and the RECOMMENDATION OF ACTION, found on page 2 of the Report.

Respondent was convicted of three separate charges all related to drug trafficking in 2003, only two years prior to the submission of his Application. One of the charges was a felony. Respondent was released from probation on March 10, 2005. (State's Ex. 4). Less than one month later he submitted his Application. Respondent was convicted of the enumerated offense of drug trafficking. While he testified that it was all in his past and just something stupid that he did for the money, it occurred less than four years ago. (Transcript pgs. 16-18). While he claims that they do not influence him, Respondent still hangs out with his friends who participate in illegal drug use. (Transcript pgs. 21-22). To meet his burden Respondent provided an unsworn letter from Kevin Crooks who is an owner and manager of Motion Financial. (Exhibit A). While the letter does speak favorably of Respondent and his work, it alone does not meet Respondent's burden. In total, Respondent's activities do not show that he is honest, truthful, and of good reputation and that there is no basis in fact for believing that he will commit another criminal offense again involving drug trafficking. The record simply does not support the conclusion that Respondent meets the conditions for licensure set forth in 1322.041(A)(2), (3), and (5).

For the reasons stated above, the Division hereby denies the loan officer license application of Matthew S. Murray.

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 3rd day of January 2007.

ROBERT M. GRIESER

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