

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

In the matter of:	)	Case No. M2010-285
	)	
<b>JAMES A. O'NEILL</b>	)	<b><u>DIVISION ORDER</u></b>
3277 Lester Road	)	<b>Refusal of Loan Originator Renewal Application</b>
Medina, OH 44256	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
	)	

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WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division") and charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, on June 29, 2010, the Division issued Respondent a Notice that informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew a loan originator license if the Division finds that the licensee has violated "or fail[ed] to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted[.]"
2. Respondent held a loan originator license during the 2009 calendar year.
3. Prior to January 1, 2010, R.C. 1322.052 required every licensed loan originator to complete at least six (6) hours of approved continuing education ("CE") every calendar year (by December 31<sup>st</sup>).
4. Respondent failed to complete the required 6 hours of CE credit for the 2009 calendar year as required by R.C. 1322.052.
5. As a result of the findings listed above, the superintendent is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew Respondent's loan originator license for failure to comply with R.C. 1322.052

WHEREAS, the Notice informed Respondent of the Division's intent to refuse his 2010 loan originator license renewal application and of the opportunity for a hearing regarding the refusal if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of

th[e] Notice, the Superintendent w[ould] issue an order refusing to renew Respondent's loan originator license."

WHEREAS, service of the Notice on Respondent was perfected;

WHEREAS, Respondent failed to request a hearing by the statutory deadline and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent's loan originator license renewal application should be refused;

Respondent James A. O'Neill's loan originator license renewal application is hereby REFUSED.

IT IS SO ORDERED.

### **NOTICE OF APPELLATE RIGHTS**

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 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 4<sup>th</sup> day of August, 2010.

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**LEIGH A. WILLIS**

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