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STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS

IN RE: : CASE NO. M2009-855
:
ROBERT R. PLACKO, : DEBORAH K. TONGREN
RESPONDENT : HEARING OFFICER

ADMINISTRATIVE HEARING OFFICER'S
REPORT AND RECOMMENDATION
Issued February 2, 2010

I. FINDINGS OF FACT

A. Background.

1. This matter came before Deborah K. Tongren, 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.
2. The Division held the hearing on January 12, 2010 to consider the December 14, 2009 Order of Summary Suspension, Notice of Intent to Deny Renewal, and Notice of Hearing ("*NOH*"). The Division alleged that Robert R. Placko ("*Respondent*") violated R.C. 1322.052 because he failed to complete at least six hours of approved continuing education during the 2008 calendar year.
3. Jennifer Croskey, Esq., an Assistant Attorney General with the Executive Agencies Section of the Ohio Attorney General's Office, represented the Division at the hearing. Jacqueline Mallett, Esq. testified on behalf of the Division. Neither Respondent nor anyone on his behalf appeared at the hearing. The Division introduced, and the Hearing Officer admitted, State's Exhibits 1 through 4 into the record at the hearing.

B. Division's Notice of Suspension Order.

4. On December 14, 2009, the Division sent the NOH to Respondent at his address of record with the Division, notifying him that it intended to deny his 2009 application to renew his loan officer license. The Division sent the NOH by certified mail, return receipt requested, and perfected service on December 21, 2009. *State's Exhibits 1 and 2.*
6. Respondent did not contact the Hearing Officer, the Attorney General's Office, or the Division concerning the January 12, 2010 hearing.
7. The Division held the hearing on the date, time, and at the address as specified in the NOH sent to Respondent.

C. Respondent's Loan Officer License

8. Respondent held loan officer license number LO 027605 in calendar year in 2008. *State's Exhibit 1.*
9. Jacqueline Mallett, Esq., an attorney examiner with the Division, testified at the hearing. Ms. Mallett reviews the files of loan officers and mortgage brokers to verify their compliance with the annual continuing education requirement of R.C. 1322.052. Ms. Mallett reviewed Respondent's continuing education file. *Testimony of Ms. Mallett, Tr. at pg. 12.*
10. On April 29, 2009, Respondent filed an application with the Division to renew his loan officer license. *State's Exhibit 3; Testimony of Ms. Mallett, Tr. at pg. 11.*
11. On June 11, 2009, the Division sent a letter to Respondent informing him of deficiencies in his loan officer renewal application. The letter informed Respondent that the Division's records indicated that he had not fulfilled the six hours of continuing education required under R.C. 1322.052. The letter requested that Respondent reply to the letter within fourteen days. *State's Exhibit 4; Testimony of Ms. Mallett, Tr. at pg. 12.*
12. Respondent did not reply to the Division's June 11, 2009 letter, nor did Respondent provide the Division with evidence that he had completed his required continuing education. *Testimony of Ms. Mallett, Tr. at pg. 13.*

13. The Division is seeking to deny Respondent's loan officer license renewal application because he did not complete his required six hours of continuing education during the 2008 calendar year. *State's Exhibit 1; Testimony of Ms. Mallett, Tr. at pg. 9.*

II. CONCLUSIONS OF LAW

14. The Division has procedurally complied with R.C. Chapter 119, and has established jurisdiction over this matter.
15. The Division is responsible for the licensing and regulation of loan officers and mortgage brokers pursuant to the Ohio Mortgage Broker Act, R.C. Chapter 1322.
16. R.C. 1322.052 required that mortgage loan officers licensed by the Division complete six hours of continuing education courses during each calendar year that they are licensed¹.
17. When the NOH was issued, R.C. 1322.10(F)(2) required the Division to suspend, without a prior hearing, the license of a licensee who failed to fulfill the continuing education requirements of R.C. 1322.052. That suspension remained in effect until the licensee completed the required continuing education.²
18. R.C. 1322.10(A)(1)(a) authorizes the Division to deny a loan officer license renewal application for lack of compliance with any provisions of R.C. 1322.01 through 1322.12.
19. The Division has established that Respondent violated R.C. 1322.052 because Respondent failed to complete six hours of continuing education courses during the 2008 calendar year.
22. The Division has provided sufficient evidence to deny of Respondent's loan officer license renewal application pursuant to R.C. 1322.10(A)(1)(a).

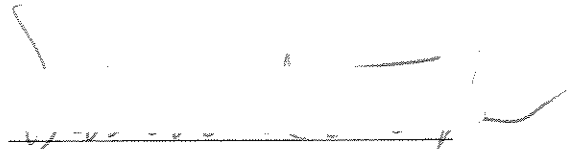
¹ On January 1, 2010, R.C. 1322.052 was amended to require that a loan officer complete eight hours of continuing education courses each calendar year.

² R.C. 1322.10 (F)(2) was amended on January 1, 2010. After the amendment, the Division can no longer suspend, without a prior hearing, a licensee who has failed to fulfill the continuing education requirements of R.C. 1322.052. The Hearing Officer has not been asked to address the issue of whether Respondent's suspension remains in effect after January 1, 2010 and therefore, this report will not address that issue.

III. RECOMMENDATION

Based upon the evidence submitted into the record for this case, the Division has demonstrated that Respondent did not complete the statutorily required six hours of continuing education during the 2008 calendar year. The Division has provided a sufficient evidentiary basis to suspend Respondent's loan officer license pursuant to R.C. 1322.10(F)(2), and to deny Respondent's loan officer license renewal application pursuant to R.C. 1322.10(A)(1)(a), for Respondent's failure to comply with R.C. 1322.052. Therefore, the Hearing Officer respectfully recommends that the Superintendent of the Division deny Respondent's loan officer renewal application.

Respectfully submitted,



Deborah K. Tongren
Hearing Officer