

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

In the matter of:)	Case No. M2006-9992720
)	
Theron L. Mosley)	<u>DIVISION ORDER</u>
1392 Cardwell Square N.)	Denial of Loan Officer License Application
Columbus, OH 43229)	&
)	Notice of Appellate Rights
)	

In 2004, Respondent, Theron L. Mosley (“Respondent”) applied for a loan officer license and said application was withdrawn due to Respondent’s failure to provide requested information. Respondent then submitted a new loan officer license application to the Division of Financial Institutions (“Division”) on June 17, 2005. On April 13, 2006, the Division notified Respondent that it intended to deny his loan officer license application (“Application”) because:

(1) In or around 1995, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of passing bad checks; (2) in or around 1995, in the Municipal Court of Franklin County, Ohio, Respondent pleaded guilty to and was convicted of solicitation; (3) in or around 2004, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of passing bad checks; (4) in his 2004 loan officer application, Respondent attested in a sworn statement that information he provided was truthful when it was not; (5) in his 2004 loan officer license application, Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (6) Respondent violated R.C. 1322.07(A) by failing to disclose his conviction in the Application; (7) Respondent violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law in the Application; (8) Respondent violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; (9) per R.C. sections 1322.031(A)(2) and 1322.041(A)(3), Respondent has 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 passing bad checks offense or any criminal offense involving money or securities; and (10) because Respondent’s character and general fitness do 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. sections 1322.01 to 1322.12, the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on August 23, 2006. Respondent appeared with counsel. A Report and Recommendation ("Report") was filed with the Division on September 22, 2006, recommending that the Division deny Respondent's Application. No objections were filed.

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. (The Hearing Examiner's Report and Recommendation is attached). Following its review of the record, the Division hereby adopts the hearing officer's recommendation. Therefore the Division denies the loan officer license application of Theron L. Mosley.

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 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 6th day of February 2007.

RICHARD F. KECK

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