

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

In the matter of:)	Case No. 04-0031-LOD
)	
SCOTT M. HORNAK)	<u>DIVISION ORDER</u>
13810 Ford Lane, Apt. 3)	
Burton, Ohio 44021)	Denial of Loan Officer License Application
)	

DIVISION ORDER

On August 14, 2003, Scott M. Hornak, ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On January 22, 2004, the Division issued Respondent a notice of the Division's intent to deny Respondent's application, and notified Respondent of his right to a hearing on the matter. Respondent requested a hearing, and pursuant thereto, an administrative hearing was held in accordance with Ohio Revised Code Chapter 119 on February 12, 2004.

The hearing officer filed her written report and recommendation with the Division on April 2, 2004, recommending that the Division deny Respondent's application. A copy of the report and recommendation and a letter explaining Respondent's right to submit written objections to the report was mailed to Respondent via certified mail. No objections were filed.

Upon consideration of the hearing officer's Report and Recommendation and all evidence admitted at the hearing, the Division hereby modifies certain paragraphs in the Hearing Officer's Report and Recommendation as follows. Paragraphs of the Report and Recommendation not specifically addressed below are approved.

The Division modifies page one of the Report and Recommendation to reflect that the administrative hearing was held on February 12, 2004, not February 25, 2004.

The Division hereby modifies paragraph 15 on page 3 of the Report and Recommendation to include Respondent failure to disclose his 2002 conviction for driving under the influence. (State's Exhibit 10.)

With the modifications and/or disapprovals addressed herein, the Division approves all other findings as well as the recommendation of the hearing officer. Accordingly, Scott M. Hornak's August 14, 2003 loan officer license application is hereby denied.

NOTICE OF RIGHT TO APPEAL

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 13th day of July 2004.

ROBERT M. GRIESER

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

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