

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

In the matter of:	)	Case No. M2007-359
	)	
<b>JONATHAN A. BURKE</b>	)	<b>Notice of Intent to Deny Loan Officer License Renewals</b>
1216 South Washington Avenue	)	&
Columbus, OH 43026	)	<b>Notice of Opportunity for a Hearing</b>
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**JURISDICTION**

The Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

**RESPONDENT**

**JONATHAN A. BURKE** ("Respondent") is an individual that held a loan officer license issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent's loan officer license expired on April 30, 2005, and Respondent filed an application to renew his license in or around April 2005; that renewal application along with renewal applications received in or around April 2006 and April 2007 remain pending. Respondent's employer of record is Family Tree Funding, LLC, 445 Hutchinson Blvd., Suite 800, Columbus, Ohio 43235.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. sections 1322.041 and 1322.10 and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license renewal applications.

**BASIS FOR PROPOSED ACTION**

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew a loan officer 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[.]"
- B. R.C. 1322.041(B)(2) provides that a loan officer will be renewed annually if the loan officer has completed during the immediately preceding calendar year at least six hours of continuing education as required under R.C. 1322.052.
- C. In calendar year 2005, Respondent failed to satisfy the six hour continuing education requirement set forth in R.C. 1322.052.

- D. R.C. 1322.041(B)(3) provides that a loan officer license will be renewed annually if the superintendent finds that the applicant meets the conditions set forth in divisions (A)(2) to (6) of R.C. 1322.041.
- E. In 1998, in Municipal Court of Franklin County, Ohio, Respondent was convicted of Attempted Purchase of Beer or Intoxicating Liquor by a Person Under 21, a 2<sup>nd</sup> degree misdemeanor.
- F. In 2000, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Expired Ops and No-Points Speeding.
- G. In a separate case in 2000, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Prohibited Consumption of Alcohol by a Person Under 21.
- H. In 2001, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Reckless Operation of a Motor Vehicle.
- I. In 2002, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Disorderly Conduct.
- J. In 2004, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Resisting Arrest.
- K. In 2005, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Disorderly Conduct.
- L. In a separate case in 2005, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Criminal Mischief.
- M. In 2006, in the Municipal Court of Franklin County, Ohio, Respondent was convicted of Driving Under Suspension.
- N. On or about May 3, 2007, in the Municipal Court of Franklin County, Ohio, a "Warrant to Arrest" was issued for Respondent in case no. 2006 TR D 218437.

As a result of the findings listed above, the Division has determined that:

- 1. Respondent's actions, as listed above, show 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 the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(6).
- 2. Respondent failed to comply with the continuing education requirement in 2005, thereby violating R.C. 1322.052.
- 3. Respondent's loan officer license should not be renewed as Respondent does not meet the conditions for renewal set forth in R.C. 1322.041(A)(2) and (6). See R.C. 1322.041(B)(3).

**NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION**

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an order denying Respondent's loan officer license renewal application under the Ohio Mortgage Broker Act.

Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed: Ohio Division of Financial Institutions, Attn: Anthony Siciliano, Consumer Finance General Counsel, 77 South High Street, 21<sup>st</sup> Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear in person, by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing for and against Respondent.

If the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of this Notice, the Superintendent will issue an order denying Respondent's loan officer license renewal application.

Signed and sealed this 9<sup>th</sup> day of August 2007.

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**RICHARD F. KECK**

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