

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

In the matter of:)	Case No. 03-LO-D-27-28
)	
JEFFERY ALLEN HENRY)	Notice of Intent to Deny Loan Officer License
2003 Crest Road)	&
Cincinnati, OH 45240)	Notice of Opportunity for a Hearing
)	

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

JEFFERY ALLEN HENRY ("Respondent") has applied to the Division for a loan officer license. His address of record is 2003 Crest Road, Cincinnati, Ohio 45240, and his date of birth is August 20, 1961. Respondent's employer of record is National Mortgage Funding, located at 1313 Kemper Road, in Cincinnati, Ohio.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent a loan officer license.

BASIS FOR PROPOSED ACTION

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

1. In or around 1985, in the State of Kentucky, Respondent was convicted of the UNAUTHORIZED USE OF A MOTOR VEHICLE.
2. In or around 1986, in the Hamilton County Municipal Court, Ohio, Respondent was convicted of PASSING BAD CHECKS, a misdemeanor of the first degree.
3. In or around 1988, in the Hamilton County Court of Common Pleas, Ohio, Respondent pleaded guilty to and was convicted of ATTEMPTED GROSS SEXUAL IMPOSITION, a misdemeanor of the first degree.
4. In or around 1988, in the Springdale Mayor's Court, Ohio, Respondent was convicted of PETTY THEFT, a misdemeanor of the first degree.
5. In or around 1991, in the Hamilton County Municipal Court, Ohio, Respondent was convicted of ATTEMPTED GROSS SEXUAL IMPOSITION.
6. In or around 1994, in the Hamilton County Court of Common Pleas, Ohio, Respondent pleaded guilty to and was convicted of GROSS SEXUAL IMPOSITION, a fourth degree felony.

7. In or around 1995, in the Hamilton County Court of Common Pleas, Ohio, Respondent pleaded guilty to and was convicted of GROSS SEXUAL IMPOSITION, a fourth degree felony.
8. Respondent violated R.C. 1322.07(A) and 1322.07(B) by failing to fully disclose the criminal offense(s) listed in the paragraph(s) above on his/her loan officer license. R.C. 1322.07(A) prohibits an applicant for a loan officer license from "[o]btain[ing] a *** license through any false or fraudulent representation of a material fact or any omission of a material fact required by state law, or [from] making any substantial misrepresentation in any *** license application[.]" R.C. 1322.07(B) prohibits an applicant for a loan officer license from "[m]ak[ing] false or misleading statements of a material fact, omissions of statements required by state law[.]"

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

1. Respondent has not proven that he/she is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he/she will not commit another criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
2. 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)(5).

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 a loan officer license 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: Amanda Axtell, Esq., 77 South High Street, 21st 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 a loan officer license.

Signed and sealed this 30th day of April, 2003.



ROBERT M. GRIESER

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