

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

In the matter of:

DAVID J. GOURLEY
18115 Lakeshore Boulevard
Cleveland, Ohio 44119

) Case No. 04-0008-LOR
) **AMENDED**
) Notice of Intent to Revoke Loan Officer License
) &
) 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, and the rules adopted thereunder.

RESPONDENT

DAVID J. GOURLEY ("Respondent") holds an active loan officer license issued by the Division. His address of record is 18115 Lakeshore Boulevard, Cleveland, Ohio 44119, and his date of birth is February 9, 1969. Respondent's employer of record is U.S.A. Funding Services, 34912 Ridge Road, Willoughby, Ohio 44094.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(A)(1)(a), and pursuant to R.C. Chapter 119, the Division intends to REVOKE Respondent's loan officer license.

BASIS FOR PROPOSED ACTION

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to revoke an applicant's 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. 1322.052 requires every licensed loan officer to complete at least six (6) hours of approved continuing education ("CE") every calendar year (by December 31st).
- C. Respondent failed to comply with R.C. 1322.052 for the 2002 calendar year.
- D. Respondent failed to comply with R.C. 1322.052 for the 2003 calendar year.
- E. Because Respondent failed to comply with R.C. 1322.052 for the 2002 calendar year, the Division has the authority to revoke Respondent's loan officer license.
- F. Because Respondent failed to comply with R.C. 1322.052 for the 2003 calendar year, the Division has the authority to revoke Respondent's loan officer license.

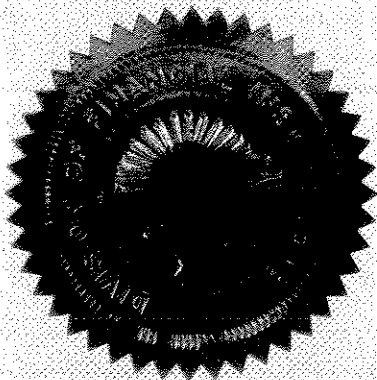
NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

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 revoking Respondent's loan officer license.

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: Mark L. Rhea—Consumer Finance Staff Attorney, 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 revoking Respondent's loan officer license.



Signed and sealed this 17th day of July 2004.

Robert M. Grieser

ROBERT M. GRIESER

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