

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

In the matter of:)	Case No. M2005-9991346
)	
ROBERT G. KRUEGER)	<u>DIVISION ORDER</u>
3735 Drakewood Drive)	Denial of Loan Officer License Application
Cincinnati, Ohio 45209)	&
)	Notice of Appellate Rights
)	

Respondent, Robert G. Krueger ("Respondent"), submitted a loan officer license application ("Application") to the Division of Financial Institutions ("Division") on September 26, 2005. On April 16, 2006, the Division notified Respondent that it intended to deny his Application because: (1) In or around 1983, in the Greenhills Mayor's Court, Greenhills, Ohio, Respondent was convicted of criminal trespass; (2) in 2005, Respondent attested in a sworn statement that information he provided in the Application was truthful when it was not; (3) in 2005, Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (4) Respondent violated R.C. 1322.07(A) by making a substantial misrepresentation in the Application; (5) 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; (6) Respondent violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (7) 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 September 27, 2006. Respondent did not appear. A Report and Recommendation ("Report") was filed with the Division on February 14, 2007, recommending that the Division deny Respondent's Application. Objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, Respondent's objections, the transcript of testimony and exhibits, as well as all applicable laws. (A copy of the Report is attached hereto).

The Division disapproves paragraph 12 on page 5 of the Report.

R.C. 1322.07(A), (B), and (C) do not require a deliberative act for their violation. In contrast to 1322.07(E) and (F), which contain language of intent by use of the term “knowingly,” R.C. 1322.07(A), (B), and (C) do not employ such language. (See *Shehabi v. Ohio Dept. of Comm.* (Feb. 26, 2007), Trumbull C.P. No 2006 CV 1930, unreported). Accordingly, an applicant that fails to carefully read and answer each question in a loan officer application, swears to its veracity, and then files such application with the Division is in violation of R.C. 1322.07(A), (B), and (C) when such answer is patently untrue.

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 Robert G. Krueger.

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 30th day of April 2007.

RICHARD F. KECK

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