

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

In the matter of:	)	Case No. 04-0372-LOD
	)	
<b>CLIFFORD D. MCINTOSH</b>	)	<b><u>DIVISION ORDER</u></b>
1602 Ridgewood Ave., Apt. 3	)	<b>Denial of Loan Officer License Application</b>
Lakewood, Ohio 44017	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
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Respondent, Clifford D. McIntosh ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on January 20, 2004. On April 15, 2004, the Division notified Respondent that it intended to deny his loan officer license application ("Application") because: (1) In or around 1998 he was convicted of petty theft and has not proven that he is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving theft or any criminal offense involving money or securities; (2) in or around 1998 he was convicted of disorderly conduct; and (3) 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 May 20, 2004. A Report and Recommendation ("Report") was filed with the Division on August 19, 2004, recommending that the Division deny Respondent's Application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or

conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached).

The Division disapproves paragraph 5 on page 4 under B. LICENSE APPLICATION, and paragraph 5 on page 4 under **DISCUSSION**, and paragraph 8 on page 4 of the Report and Recommendation.

The Division has the burden to prove that 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 sections 1322.01-1322.12 of the Revised Code. See 1322.041(A)(5). This burden did not shift to Respondent when he answered "yes" to question 5 of the loan officer license application.

For the reasons stated above, the Division hereby denies the Loan Officer License Application of Clifford D. McIntosh.

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, 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 1<sup>st</sup> day of June 2006.

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**ROBERT M. GRIESER**  
Deputy Superintendent for Consumer Finance  
Division of Financial Institutions  
Ohio Department of Commerce