

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

In the matter of:)	Case No. 04-0377-LOD
)	
JOSEPH R KENNEDY)	<u>DIVISION ORDER</u>
745 Polo Drive South)	Denial of Loan Officer License Application
Columbus, OH 43229)	&
)	Notice of Appellate Rights
)	

Respondent, Joseph R. Kennedy (“ Respondent ”), submitted a loan officer license application to the Division of Financial Institutions (“ Division ”) on December 04, 2003. On March 15, 2004, the Division notified Respondent that it intended to deny his loan officer license application (“Application ”) because: (1) In or around 1996, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent was convicted of unauthorized use of property, a misdemeanor of the fourth degree; (2) In or around 1997, in the Franklin County Court of Common Pleas, Franklin County Ohio, Respondent was convicted of attempted receiving stolen property, a misdemeanor of the first degree; (3) In or around 1998, in the Delaware Municipal Court, Delaware County, Ohio, Respondent was convicted of theft, a misdemeanor of the first degree; (4) In or around 1999, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent was convicted of operating a motor vehicle while intoxicated; (5) In or around 2002, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent was convicted of operating a motor vehicle while intoxicated, a misdemeanor of the first degree; (6) In or around 2002, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent pleaded guilty and was convicted of operating a motor vehicle while intoxicated, a misdemeanor of the first degree; (7) In or around 2003, in the Franklin County Municipal Court, Franklin County, Ohio, respondent pleaded guilty to and was convicted of assault, a misdemeanor of the first degree; (8) On or around September 25, 2003, Respondent attested in a sworn statement that the information he provided about his criminal background on his loan officer license application he submitted to the Division was complete and truthful and it was not; (9) On or around December 4, 2003, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division; (10) per R.C. sections 1322.031(A)(2) and 1322.041(A)(3), Respondent 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; and (11) because his 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 21, 2004. A Report and Recommendation (“ Report ”) was filed with the Division on February 2, 2005, 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. (The Hearing Examiner’s Report and Recommendation is attached). Following its review of the record, the Division hereby adopts the hearing officer’s recommendation and denies the loan officer license application of Joseph R. Kennedy.

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 20th day of September, 2006.

ROBERT M. GRIESER

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