

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

In the matter of:)	Case No. M2007-250
)	
RICHARD C. CONFER, JR.)	<u>DIVISION ORDER</u>
672 Evans Lane)	Denial of Loan Officer License Renewal Application
Centerville, OH 45459)	&
)	Notice of Appellate Rights
)	

Respondent, Richard C. Confer, Jr. ("Respondent"), submitted a loan officer license renewal application ("Application") to the Division of Financial Institutions ("Division") on or about April 2, 2007. On May 17, 2007, the Division notified Respondent that it intended to deny his Application because: (1) in or around 2005, in the Common Pleas Court of Montgomery County, Ohio, in *Altick & Corwin Co. LPA v. Richard C. Confer, Jr.*, Case No. 04-8619, judgment was entered in favor of Altick & Corwin Co. LPA for compensatory damages against Respondent in the amount of \$19,682.20; (2) the judgment entered against Respondent remains unpaid with a current balance due of over \$22,000; (3) in 2006, Respondent answered "No" when asked in his 2006 loan officer license renewal application whether he had any unpaid civil judgments against him; (4) in 2006, Respondent attested in a sworn statement that information he provided in the Application was complete and truthful when it was not; (5) in 2006, in an attempt to renew his loan officer license, Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (6) Respondent violated R.C. 1322.07(A) by making a substantial misrepresentation in the Application; (7) 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; (8) Respondent violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (9) 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 August 20, 2007. Respondent did not appear but submitted his arguments in writing. A Report and

Recommendation (“Report”) was filed with the Division on August 28, 2007, recommending that the Division deny Respondent's Application. Objections were timely filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, Respondent’s objections, as well as all applicable laws. (A copy of the Report is attached hereto). Following its review of the record, the Division hereby adopts the hearing officer’s recommendation.¹ Therefore, the Division denies the loan officer license renewal application of Richard C. Confer, Jr.

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 19th day of September 2007.

RICHARD F. KECK

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

¹ The Report in paragraph 3 on page 3 incorrectly cites to R.C. 1322.041(A)(5) for the character and general fitness requirement. The correct citation, as noted in the Notice of Intent to Deny Renewal, is R.C. 1322.041(A)(6).