



Ohio Department of Commerce

Division of Financial Institutions
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Ted Strickland
Governor

Kimberly A. Zurz
Director

April 9, 2008

Antonio Gonzalez
4154 Shadywood Lane
Warrensville, OH 44122

Re: Loan Officer License Suspended
Case No. M2007-551

Dear Mr. Gonzalez:


The Division has issued a final order continuing the suspension of your loan officer license; you will find a copy enclosed.

Because your loan officer license has been suspended, you are not authorized to originate mortgage loans governed by the Ohio Mortgage Broker Act in consideration of direct or indirect gain, profit, fees, or charges. This means that you are not permitted to do any of the following:

- (1) Negotiate or arrange, or offer to negotiate or arrange, a mortgage loan between a person that makes or funds mortgage loans and a buyer;
- (2) Issue a commitment for a mortgage loan to a buyer; or to
- (3) Place, assist in placement, or find a mortgage loan for a buyer.

If you engage in any of the above activities criminal charges may be brought against you, as operating as a loan officer without a license is a criminal offense that carries a penalty of up to six (6) months in jail.

Respectfully,


Anthony D. Siciliano
Consumer Finance General Counsel
Division of Financial Institutions

ILE

Enclosure

cc: Dennis P. Smith, Jr., Assistant Attorney General
Deborah K. Tongren, Esq.

Certified Mail No. 7005 1820 0003 2179 2988

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

In the matter of:)	Case No. M2007-551
)	
ANTONIO GONZALEZ)	<u>DIVISION ORDER</u>
4154 Shadywood Lane)	Loan Officer License Suspension
Warrensville, Ohio 44122)	&
)	Notice of Appellate Rights
)	

Respondent, Antonio Gonzalez ("Respondent"), held a Loan Officer License ("License") issued by the Division of Financial Institutions ("Division") during calendar year 2006. On October 25, 2007, the Division notified Respondent that it issued an Order of License Suspension ("Order") because: (1) Respondent failed to comply with the 2006 continuing education requirement set forth in R.C. 1322.052; and (2) because Respondent failed to comply with R.C. 1322.052, the Division is required under R.C. 1322.10(F)(2) to suspend Respondent's License.

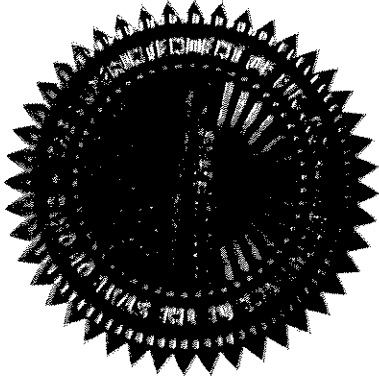
An administrative hearing was held on February 5, 2008. Respondent failed to appear. A Report and Recommendation ("Report") was filed with the Division on March 3, 2008, recommending that the Division continue the suspension of Respondent's License. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. (The Report is attached). Following its review of the record, the Division hereby adopts the hearing officer's recommendation and continues the License suspension of Antonio Gonzalez.

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 9th day of April 2008.

LEIGH A. WILLIS

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

	State of Ohio Department of Commerce Division of Financial Institutions
I hereby certify this to be an accurate and true copy of the original on file in the Division of Financial Institutions. Witness my hand and Division Seal this 9th day of April, 2008.	
By: <u>J. Eubank</u> Division Representative	

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS

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IN RE:	:	CASE NO.: M-2007-551
	:	
ANTONIO GONZALEZ,	:	
	:	HEARING OFFICER
RESPONDENT	:	DELORES DAVIS

ADMINISTRATIVE HEARING OFFICER'S
REPORT AND RECOMMENDATION
Issued March 3, 2008

I. FINDINGS OF FACT

A. Background

This matter came before Delores Davis, an attorney licensed to practice law in the State of Ohio and duly appointed by the Ohio Division of Financial Institutions ("Division") to serve as Hearing Officer for this matter in accordance with the Ohio Administrative Procedure Act, Ohio Revised Code ("O.R.C.") Chapter 119. The hearing was held on February 5, 2008, at 77 South High Street, 21st Floor, in Columbus, Ohio.

The Division held the hearing to consider the October 25, 2007 Order of License Suspension and Notice of Hearing ("NOH"). The Division alleges that Respondent Antonio Gonzalez ("Respondent") violated O.R.C. 1322.052 by failing to complete at least six hours of approved continuing education ("CE") during the 2006 calendar year. Respondent's loan officer license number is 5605.

Dennis Smith, Esq., an Assistant Attorney General with the Executive Agencies Section of the Ohio Attorney General's Office, represented the Division at the hearing. Neither Respondent nor anyone on his behalf appeared at the hearing. Riene Albin testified on behalf of the Division. State's Exhibits A through D were admitted into the record at the hearing. The Record consists of the Exhibits, properly marked and admitted, the NOH, evidence of attempted delivery by certified mail, the certificate of mailing, and the transcript from the hearing.

B. Jurisdictional and Procedural Matters

1. On October 25, 2007, the Division issued the NOH, suspending Respondent's loan officer license pursuant to O.R.C. 1322.10(F)(2) for

failing to fulfill the CE requirements of O.R.C. 1322.052 for calendar year 2006. The Division set the matter for hearing on November 5, 2007, but continued the matter, on its own motion, to Tuesday, February 5, 2008. The Division sent the NOH via certified mail with return receipt requested to Respondent. The United States Postal Service returned the certified mail envelope and enclosed NOH to the Division on November 26, 2007. The certified mail envelope was marked "unclaimed unable to forward." *State's Exhibit A*

2. O.R.C 119.07 provides that when a party fails to claim certified mail, an agency may send notice by ordinary mail to the party's last known address and obtain a certificate of mailing.
3. On November 26, 2007, the Division sent a copy of the NOH via ordinary mail to Respondent and obtained a certificate of mailing. *State's Exhibit B*
4. Respondent failed to contact the Hearing Officer, the Attorney General's Office, or the Division concerning the February 5, 2008 hearing.
5. At the hearing, the Division introduced a copy of Respondent's Mortgage Broker Loan Officer License and a copy of his 2007 Loan Officer Renewal Application. *State's Exhibit C*
6. At the hearing, the Division also introduced a printout of Respondent's CE file maintained by the Division. The printout indicates Respondent failed to complete six hours of CE during the 2006 calendar year. *State's Exhibit D*

C. Respondent's Continuing Education Requirement

7. O.R.C. 1322.052, effective May 2, 2002, provides that each licensee under O.R.C.1322.03 shall complete at least six hours of CE every calendar year.
8. Riene Albin, an administrative assistant with the Division, testified at the hearing. It is her duty to coordinate and track the mortgage broker continuing education status for the Division. She explained that E License Management System ("ELMS") tracks a licensee's compliance with continuing education each calendar year. Ms. Albin is responsible for inputting the information regarding continuing education into the database.
9. Division ELMS records indicate that Respondent failed to complete the required continuing education for the 2006 calendar year.
10. Respondent failed to contact the Division regarding his 2006 CE deficiency before the February 5, 2008 hearing.

II. CONCLUSIONS OF LAW

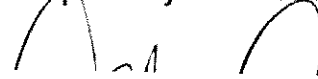
Jurisdiction and Procedural Matters

11. The Division is the state agency responsible for the licensing and regulation of loan officers pursuant to the Ohio Mortgage Broker Act, O.R.C. Chapter 1322.
12. Mortgage loan officers licensed by the Division must complete at least six hours of CE each calendar year. O.R.C. 1322.052
13. Respondent was a loan officer during the 2006 calendar year.
14. O.R.C. 1322.10(F)(2) requires the Division to suspend a loan officer's license for lack of compliance with the CE requirements established in O.R.C. 1322.052.
15. The October 25, 2007 NOH specified the date, time, and location of the scheduled hearing. On November 26, 2007, the Division sent Respondent a copy of the NOH via ordinary mail and obtained a certificate of mailing. *Exhibit A*
16. Respondent received proper notice of the hearing and therefore, it was appropriate for the hearing to proceed in his absence. *Reed v. State Med. Bd.* (1988), 40 App.3d. 124
17. The Division has complied with the procedural requirements of O.R.C. 119 and jurisdiction over this matter has been established.
18. The Division seeks to make permanent Respondent's October 25, 2007 loan officer license suspension because he failed to complete the six hour CE requirement for the 2006 calendar year, as required by O.R.C. 1322.052.
19. The Division has established that Respondent is in violation of O.R.C. 1322.052. Therefore, sufficient evidence exists to continue the suspension of Respondent's license until the required CE is completed, and until a fine of five hundred dollars is paid to the Treasurer of the State of Ohio to the credit of the consumer finance fund. O.R.C. 1322.10(F)(2).

III. RECOMMENDATION

The Division has established a sufficient evidentiary basis for continuing the suspension of Respondent's license pursuant to O.R.C. 1322.10(F)(2) because he failed to comply with O.R.C. 1322.052. Therefore, I respectfully recommend that Respondent's license remain suspended until the required continuing education requirement is completed and the required fine is paid.

Respectfully submitted,




Delores Davis
Administrative Hearing Officer
March 3, 2008