

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

In the matter of:	)	Case No. 05-0083-LOD
	)	
<b>JOSHUA R. RILEY</b>	)	<b><u>DIVISION ORDER</u></b>
5853 Glennen Drive	)	<b>Approval of Loan Officer License Application</b>
Galloway, OH 43119	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>

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**DIVISION ORDER**

Respondent, Joshua R. Riley submitted a loan officer license application to the Division of Financial Institutions ("Division") on February 22, 2005. On March 17, 2005, the Division notified Riley that it intended to deny his loan officer license application because in 1997 he was convicted of a fourth-degree felony, he failed to comply with the terms of his probation, and therefore, the Division determined that his character and general fitness do not command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of R.C. §§ 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Riley requested a hearing and an administrative hearing was held on April 21, 2005. A Report and Recommendation was filed with the Division on July 27, 2005, recommending that the Division approve Riley's application and grant him a loan officer license. 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 approves and adopts the recommendation to approve Riley's loan officer license application, but rejects certain findings contained in the report. Any finding not specifically addressed herein is approved and adopted.

Paragraph 9 found on pages 5 and 6 of the report and recommendation is rejected. The Division did not allege that Riley's failure to comply with the restitution provision of his probation falls within the purview of section 1322.041(A)(3) of the Revised Code. The Division alleged that Riley's failure to follow his court ordered restitution schedule reflected poorly on his character and general fitness. (See State's Exhibit C and Transcript page 35.)

Paragraphs 11 and 12 on page 6 are rejected. Accurately disclosing one's criminal record on a licensing application submitted to a state agency, which the individual knows will review the results of his or her criminal background check, does not in and of itself establish that the individual is honest and has the requisite character and general fitness to be issued a loan officer license.

Finally, the Division rejects paragraph C, titled "Discussion" and found on pages 6 and 7 of the report. The Division did not put forth any evidence or argument concerning Riley's financial ability to make the scheduled restitution payments.

In conclusion, the Division rejects paragraphs 9, 11, 12 and C. All other findings and conclusions in the report and recommendation are approved, adopted and incorporated herein.

Accordingly, the February 22, 2005 application submitted by Joshua R. Riley is hereby approved and a license shall be issued. It is so ordered.

#### **NOTICE OF RIGHT TO APPEAL**

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, 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 September 2005.

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**ROBERT M. GRIESER**

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

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