

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

In the matter of:)	Case No. 05-0038-LOD
)	
MICHAEL E. HOLBERT)	<u>DIVISION ORDER</u>
P.O. Box 321)	Denial of Loan Officer License Application
1169 Brush Row)	&
Wilberforce, Ohio 45348)	Notice of Appellate Rights
)	

Respondent, Michael Holbert ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on June 6, 2002. On February 10, 2004, Respondent submitted a second loan officer license application ("Application") to the Division. On April 21, 2005, the Division notified Respondent that it intended to deny his application because: (1) In or around 2004, in the Common Pleas Court, Greene County, Ohio, Respondent was convicted of possession of criminal tools, a felony of the fifth degree; (2) Respondent attested in a sworn statement that the information he provided on his Application was complete and truthful when it was not; (3) Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (4) Respondent violated R.C. 1322.07(A), (B), and (C) by not disclosing his criminal convictions on his Application; and (5) 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 June 7, 2005. A Report and Recommendation ("Report") was filed with the Division on October 13, 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, 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 denies the Application of Michael E. Holbert.

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 16th day of February 2007.

RICHARD F. KECK

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