

**STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS**

IN RE: : **CASE #: M2006-9992867** NOV 29 PM 12:24
:
ANTHONY B. WRIGHT : **ADMINISTRATIVE HEARING**
(the "Applicant") : **OFFICER**
: **MARK J. BALLENGER, ESQ.**
(Loan Officer :
License Application) :

**ADMINISTRATIVE HEARING OFFICER'S
REPORT & RECOMMENDATION
Issued November 29, 2006**

BACKGROUND

On or about June 22, 2006, the Ohio Division of Financial Institutions ("the State") served the Applicant with notice that it intended to deny the Applicant a loan officer license. The Applicant requested a hearing about the matter. In turn, the Applicant's request was honored.

This case was heard on September 25, 2006, beginning at approximately 10:00 a.m. at 77 S. High Street, Columbus, Ohio, 23rd Floor, West Conference Room. A stenographic record was made of the proceeding. On October 19, 2006, a transcript was received for preparation of this report.

The Applicant attended the hearing. The Applicant was not represented by legal counsel. Assistant Attorney General Ted Klecker represented the State.

This report is hereby filed with the Superintendent of the Division of Financial Institutions and the Applicant.

INDEX OF EXHIBITS ADMITTED TO RECORD

Exhibit #/Document I.D. Description of Exhibit

STATE'S EXHIBITS

1. Exh. A Notice of Intent to Deny Loan Officer License Application & Notice of Opportunity for Hearing and June 22, 2006, transmittal letter with certified mail receipt
2. Exh. B Hearing Request Form
3. Exh. C Notice of hearing
4. Exh. D Applicant's February 16, 2006, Loan Officer Application ("Application") with disclosure of 1993 convictions
5. Exh. E Certified Hamilton County court documents

APPLICANT'S EXHIBITS

6. Exh. 1 Letter from Chantel Buckner
7. Exh. 2 Letter from Marcia L. Kelley
8. Exh. 3 Letter from Naomi D. Hudson

- 9. Exh. 4 Letter from Thomas Apking
- 10. Exh. 5 Letter and pages with signatures in support
- 11. Exh. 6 Letter from Toby Bost
- 12. Exh. 7 Letter from Dave Reynolds
- 13. Exh. 8 Letter from Beth Wantz
- 14. Exh. 9 Letter from Chandra Woods
- 15. Exh. 10 Letter from William R. Hamilton
- 16. Exh. 11 Letter from Bobby Johnson
- 17. Exh. 12 Letter from Christa F. Pettis
- 18. Exh. 13 Letter from Christian E. Wills
- 19. Exh. 14 Letter from Paul J. Glenn
- 20. Exh. 15 The Flippen Profile

TESTIMONY GIVEN BY

The Applicant and on his behalf: David Buffenbarger, Bo Kearney, and Christa F. Pettis

FINDINGS OF FACT

1. The State advised the Applicant of the reasons for its intent to deny the Applicant a loan officer license. (See the attached two pages, marked "Copy.")
2. The Applicant, now 31 years of age, disclosed at hearing, as he did similarly in the Application, that in 1993, at the age of 17, he was convicted of Robbery, Robbery with a gun specification, and Aggravated assault, for robbing two restaurants and assaulting the female owner of the second one, and he was sentenced as an adult and served time in and adult prison. (Exhs. #4 and #5 and Tr.¹ pp. 31-38.) He has since satisfied all the requirements of his sentence and has been released from any obligations related to those convictions. (Tr. p. 32.)
3. The Applicant's testimony and letters in support of his application show he is now trustworthy, hardworking, and of good character. (Applicant's Testimony; Exhs. #6-#19; Tr. pp. 24-90, 92-107, 110-124, 130-134, 137-142, 145, 147-159, and 162.)

CONCLUSIONS OF LAW

The Applicant has proven by a preponderance of the evidence that his activities and employment record since his convictions show that he is honest, truthful, and of good reputation, and there is no basis in fact for believing that he will be subject to such a judgment again. (See R.C. 1322.041(A)(3).) (Findings of Fact #2 and #3.) There is no indication that he would now commit one of the enumerated crimes found in R.C. 1322.031(A)(2) or would not operate a loan officer business honestly and fairly – another requirement for licensure under R.C. 1322.041(A)(5). (Ibid.)

RECOMMENDATION OF ACTION

Therefore it is recommended that the Superintendent of the Division of Financial Institutions grant the Applicant's request for the issuance of a loan officer license.

Respectfully submitted.

Mark J. Ballenger
Administrative Hearing Officer

¹ "Tr." refers to the transcript from the subject hearing.