

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

In the matter of:)	Case No. M2009-1108
)	
DAVID S. NICOLANTI)	<u>DIVISION ORDER</u>
3903 W. 157 th Street)	Revocation of Loan Officer License
Cleveland, OH 44111)	&
)	Notice of Appellate Rights

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of administering and enforcing the Ohio Mortgage Broker Act, as codified in Ohio Revised Code ("R.C.") Chapter 1322, and finds that this Order is necessary and appropriate, in the interest of the public, and is consistent with the purposes of the Ohio Mortgage Broker Act; and

WHEREAS, David S. Nicolanti ("Respondent") holds a loan officer license pursuant to R.C. Chapter 1322; and

WHEREAS, on March 30, 2010, the Division issued Respondent a Notice which informed him that the Division had conducted an investigation of Respondent and, as a result thereof, alleged that:

1. Respondent's actions violated R.C. 1322.02(B);
2. By holding himself out to borrowers as a licensed loan officer, Respondent violated R.C. 1322.07(C);
3. By originating loans out of an unregistered location, Respondent violated R.C. 1322.07(C); and
4. Because Respondent violated R.C. 1322.02(B) and R.C. 1322.07(C), the Division is authorized by R.C. 1322.10(A)(1)(a) to revoke Respondent's loan officer license.

WHEREAS, the Notice informed Respondent of the Division's intent to permanently revoke Respondent's loan officer license and of the opportunity for a hearing regarding the revocation if requested within thirty days from the mailing of the Notice. The Notice further cautioned Respondent that "[i]f the Ohio Division of Financial Institutions d[id] not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of th[e] Notice, the Superintendent w[ould] issue an order revoking Respondent's loan officer license[;]"

WHEREAS, the Notice was mailed to Respondent, via certified mail, on March 30, 2010;

WHEREAS, Respondent failed to request a hearing and thereby failed to defend against the Division's allegations;

WHEREAS, the Division finds that the allegations contained in the Notice are true and that Respondent's loan officer license should be revoked;

THEREFORE, Respondent, David S. Nicolanti's loan officer license is hereby REVOKED.

It is so ordered.

NOTICE OF RIGHT TO APPEAL

Respondent is hereby notified that this Order may be appealed, pursuant to R.C. 119.12, 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 4th day of May, 2010.

LEIGH A. WILLIS

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