

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

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| In the matter of: |) | Case No. M2006-9992739 |
| |) | |
| JERRY A. PONSKY |) | DIVISION ORDER |
| 17632 Walnut Trail |) | Permanent Revocation of Loan Officer License |
| Bainbridge, Ohio 44023 |) | & |
| |) | 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 amended by Ohio Senate Bill 76 and codified in Ohio Revised Code ("R.C.") Chapter 1322, the Division 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, JERRY A. PONSKY ("Respondent") holds an active loan office license issued by the Division pursuant to R.C. Chapter 1322; and

WHEREAS, on April 20, 2006, 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. In or around 2006, in the Court of Common Pleas of Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of attempted theft with elderly specification, a felony of the fourth degree, in violation of R.C. 2923.02 and 2913.02(B)(3).
2. In accordance with R.C. 1322.10(A)(1)(b), the superintendent of the Division may revoke a loan officer license if the superintendent finds that the licensee has been convicted or pleaded guilty to a criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities.
3. Based on Respondent's conviction for theft, the Division has the authority to revoke Respondent's loan officer license. R.C. 1322.10(A)(1)(b).
4. Based on Respondent's conviction for theft, the Division finds that the revocation of Respondent's loan officer license shall be permanent. R.C. 1322.10(E).

WHEREAS, the Notice informed Respondent of the Division's intent to revoke his 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, 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 permanently revoked;

Respondent, Jerry A. Ponsky's loan officer license is hereby PERMANENTLY REVOKED.

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 23rd day of August 2006.

ROBERT M. GRIESER
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce