

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

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| In the matter of: |) | Case No. 05-0189-LOD |
| |) | |
| JOSEPH A. HUBER |) | <u>DIVISION ORDER</u> |
| 8 Turnberry |) | Denial of Loan Officer License Application |
| North Bend, OH 45052 |) | & |
| |) | Notice of Appellate Rights |
| |) | |

Respondent, Joseph A. Huber (“Respondent”), submitted a loan officer license application to the Division of Financial Institutions (“Division”) on September 9, 2005. On December 20, 2005, the Division notified Respondent that it intended to deny his loan officer license application (“Application”) because: (1) in or around 1999, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent was convicted of attempted theft; (2) in or around 2001, in the Court of Common Pleas, Hamilton County, Ohio, Respondent pleaded guilty to and was convicted of failure to comply with an order/signal of a police officer; (3) Respondent attested in a sworn statement that information he provided on a license application was complete and truthful, when the information provided was false; (4) Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (5) per R.C. sections 1322.031(A)(2) and 1322.041(A)(3), Respondent has not proven that he is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving theft, or any criminal offense involving money or securities; and (6) 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 March 8, 2006. A Report and Recommendation (“Report”) was filed with the Division on September 5, 2006, recommending that the Division deny Respondent's Application. Objections were filed, but they were not considered as they were not timely.

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. (The Hearing Examiner's Report and Recommendation is attached).

The Division disapproves paragraph 10 on page 6 of the Report and Recommendation.

Intent is not required to find a violation of R.C. 1322.07 (A), (B) and (C).¹ As the Hearing Officer notes in her findings, Respondent did violate all three paragraphs by failing to fully disclose his criminal history on his loan officer license application.

Following its review of the record, the Division hereby adopts the hearing officer's recommendation and denies the loan officer license application of Joseph A. Huber.

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 29th day of September 2006.

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

¹ In R.C. §§ 1322.07 (E) and (F), both sections contain language of intent by using the term "knowingly." R.C. §§ 1322.07 (A), (B), and (C) do not.