

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

In the matter of:)	Case No. 04-0281-LOD
)	
ALAN W. HUCUL)	Notice of Intent to Deny Application for Renewal of Loan
23214 Beachwood Boulevard)	Officer License
Beachwood, Ohio 44122)	&
)	Notice of Opportunity for a Hearing
)	

JURISDICTION

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, codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

ALAN W. HUCUL ("Respondent") is an individual that held a loan officer license issued by the Division to originate residential mortgage loans pursuant to R.C. Chapter 1322. Respondent's loan officer license expired on April 30, 2003, and Respondent filed an application to renew his license; that renewal application remains pending. His address of record is 23214 Beachwood Boulevard, Beachwood, Ohio 44122, and his date of birth is November 30, 1950. Respondent's employer of record is Diversified Lending, Inc., 2121 South Green Road, South Euclid, Ohio 44121.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's renewal application for a loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

1. Finding that Alan Hucul had: (1) Diverted the drug Ultram for his own personal use while employed at a nursing home in 2000; and (2) Failed to comply with the provisions and/or requirements of his Alternative Program Participant Agreement for Chemically Dependent Nurses of the Ohio Board of Nursing, the Ohio Board of Nursing permanently revoked Respondent's license to practice nursing as a registered nurse in the state of Ohio on January 17, 2003.

As a result of the finding listed above, the Division has determined that:

- I. Respondent's 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 the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(5) and 1322.041(B)(3).
- II. Respondent's 2003 renewal application for a loan officer license should not be renewed. See R.C. 1322.10(A)(1)(a); 1322.041(A)(5); and 1322.041(B)(3).

NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an order denying Respondent's application for renewal of loan officer license under the Ohio Mortgage Broker Act.

Respondent is further notified, pursuant to R.C. Chapter 119, that Respondent is entitled to a hearing on this matter. If Respondent desires to request a hearing, the request must be made in writing, and must be received in the offices of the Ohio Division of Financial Institutions within thirty (30) days of the time of the mailing of this Notice. Hearing requests should be addressed: Ohio Division of Financial Institutions, Attn: Mark L. Rhea, Consumer Finance Staff Attorney, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

At the hearing, Respondent may appear in person, by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing for and against Respondent.

If the Ohio Division of Financial Institutions does not receive a written request for a hearing in its offices within thirty (30) days of the time of the mailing of this Notice, the Superintendent will issue an order denying Respondent's application for renewal of loan officer license.

Signed and sealed this 26th day of March, 2004.

ROBERT M. GRIESER

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

CERTIFIED MAIL # 7002 2030 0002 6801 2793