

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

In the matter of:)	Case No. 05-0139-LOD
)	
WILLIAM EZRA KAY)	<u>DIVISION ORDER</u>
8 Pepper Creek Drive)	Denial of Loan Officer License Application
Pepper Pike, OH 44124)	&
)	Notice of Appellate Rights
)	

Respondent, William Ezra Kay (“Respondent”), submitted a loan officer license application (Application”) to the Division of Financial Institutions (“Division”) on January 28, 2005. On August 9, 2005, the Division notified Respondent that it intended to deny his Application because: (1) In or around 2001, in the United States District Court, Respondent pleaded guilty and was convicted of conspiracy to defraud the United States; two counts of mail fraud, depriving patients of intangible right of honest services, and aiding and abetting; (2) 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 fraud or any criminal offense involving money or securities; and (3) because 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 R.C. sections 1322.01 to 1322.12, the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on November 22, 2005. A Report and Recommendation (“Report”) was filed with the Division on March 23, 2006, recommending that the Division deny Respondent's Application. Objections were untimely filed on April 18, 2006 and were not considered.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, the transcript of testimony and exhibits, as well as all applicable laws. (The Report is attached). Following its review of the record, the Division hereby adopts the hearing officer’s recommendation and denies the Application of William Ezra Kay.

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 10th day of January 2007.

ROBERT M. GRIESER

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