

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

In the matter of:)	Case No. M2006-9992791
)	
CHARLES B. STUCHELL)	<u>DIVISION ORDER</u>
326 North Park)	Denial of Loan Officer License Application
Alliance, Ohio 44601)	&
)	Notice of Appellate Rights
)	

Respondent, Charles B. Stuchell (“Respondent”), submitted a loan officer license application to the Division of Financial Institutions (“Division”) on July 26, 2005. On May 17, 2006, the Division notified Respondent that it intended to deny his loan officer license application (“Application”) because: (1) in or around 2001, in the Columbiana County, Ohio, Northwest Area County Court, Respondent had been convicted of passing bad checks; (2) pursuant to R.C. 1322.031(A)(2) and 1322.041(A)(3), Respondent has not proven that he is honest, truthful, and of good reputation, and 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; (3) Respondent violated R.C. 1322.07(A) by failing to disclose a prior criminal conviction in response to a question on his Application; (4) Respondent violated R.C. 1322.07(B) by making a false statement of a material fact and by omitting a statement required on the licensing application; (5) Respondent violated R.C. 1322.07(C), by engaging in improper or dishonest conduct; and (6) 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. 1322.01 to 1322.12 – the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing which was held on July 6, 2006. A Report and Recommendation (“Report”) was filed with the Division on August 16, 2006, recommending that the Division deny Respondent’s Application. No objections were filed.

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. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Report is attached).

The second paragraph of the hearing officer’s “Conclusions Of Law” states that Respondent has “arguably” violated R.C. 1322.07(A), (B) and (C). However, in paragraph three of the “Findings Of Fact,” the hearing officer found that Respondent’s application contained false information “despite what the Applicant attested to in the Application.” The Division finds that Respondent did, in fact, violate R.C. 1322.07(A), (B) and (C), consistent with the hearing officer’s factual findings, and hereby modifies the paragraph accordingly.

Upon consideration of the hearing officer's Report, the Division confirms and adopts the recommendation. Accordingly, Respondent's Application is hereby denied.

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, pursuant to R.C. 119.12, 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 26th day of October 2006.

ROBERT M. GRIESER

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