

STATE OF OHIO  
DEPARTMENT OF COMMERCE  
DIVISION OF FINANCIAL INSTITUTIONS  
77 South High Street, 21<sup>st</sup> Floor  
Columbus, Ohio 43215-6120

In the matter of:

**ERIC F. KEITA**  
2255 Par Lane Street, Apt. 1118  
Willoughby Hills, Ohio 44094

) Case No. 04-0423LOD  
)  
) **Notice of Intent to Deny**  
) **Loan Officer License Application**  
) &  
) **Notice of Opportunity for a Hearing**

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**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, and the rules adopted thereunder.

**RESPONDENT**

**ERIC F. KEITA** ("Respondent") has applied to the Division for a loan officer license. His address of record is 2255 Par Lane Street, Apartment 1118, Willoughby Hills, Ohio 44094 and his date of birth is May 18, 1971. Respondent's employer of record is Michael A. Thoennes D.B.A. American National Mortgage, company number 801172.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. §1322.10(A)(1)(a), and pursuant to R.C. Chapter 119, the Division intends to **DENY** Respondent's loan officer license application.

**BASIS FOR PROPOSED ACTION**

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

- A. On June 3, 2002, the Division approved Respondent's loan officer license application. Respondent's approval expired on September 1, 2002 when Respondent did not take the loan officer license examination within 90 days of his approval date.
- B. On November 9, 2002, the Division approved Respondent's loan office license application. Respondent's approval expired on February 7, 2003 when Respondent did not take the loan officer license examination within 90 days of his approval date.
- C. On July 22, 2003, the Division approved Respondent's loan officer license application. Respondent's approval expired on October 20, 2003 when Respondent did not take the loan officer license examination within 90 days of his approval date.

- D. Respondent's employer of record is Michael A. Thoennes D.B.A. American National Mortgage, company number 801172. On March 1 and March 2, 2004, an examiner with the Division examined Michael A. Thoennes D.B.A. American National Mortgage's offices pursuant to the Division's authority under section 1322.06 of the Ohio Revised Code.
- E. Upon the examination, it was determined that the Respondent was acting as a loan officer by originating and closing loans for Michael A. Thoennes D.B.A. American National Mortgage during the times his license had expired by operation of law. Respondent originated a loan for a consumer on May 17, 2003 and closed the loan for the consumer on May 28, 2003 when his loan officer license was cancelled by operation of law on February 7, 2003.
- F. Respondent originated a loan for a consumer on June 10, 2003 and closed the loan for the consumer on June 20, 2003 when his loan officer license was cancelled by operation of law on February 7, 2003.
- G. Respondent originated a loan for a consumer on November 21, 2003 and closed the loan for the consumer on December 12, 2003 when his loan officer license was cancelled by operation of law on October 20, 2003.
- H. Respondent originated a loan for a consumer on December 15, 2003 and closed the loan for the consumer on December 29, 2003 when his loan officer license was cancelled by operation of law on October 20, 2003.
- I. Respondent originated a loan for a consumer on January 8, 2004 and closed the loan for the consumer on January 22, 2004 when his loan officer license was cancelled by operation of law on October 20, 2003.
- J. Respondent originated a loan for a consumer on February 12, 2004 and closed the loan for the consumer on February 13, 2004 when his loan officer license was cancelled by operation of law on October 20, 2003.

As a result of the findings listed above, the Division has determined the following:

- 1. Respondent's actions, as listed above in Paragraphs E through J, shows his character and general fitness do not command the confidence of the public to warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act as required by R.C. 1322.041(A)(5).
- 2. Respondent's actions listed in Paragraphs E through J violated R.C. §1322.051, which prohibits a loan officer applicant from acting as a loan officer when the license has been cancelled by operation of law, which is ninety days after the original issuance of the loan officer license if the licensee has not successfully completed an examination approved by the superintendent.
- 3. Respondent's actions listed in Paragraphs E through J violated R.C. §1322.07(C), which prohibits a loan officer applicant from engaging "in conduct that constitutes improper, fraudulent, or dishonest dealings."

**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 a 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: Timothy C. Winslow, Consumer Finance Staff Attorney, 77 South High Street, 21<sup>st</sup> 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 a loan officer license.

Signed and sealed this 13<sup>th</sup> day of July, 2004.

**ROBERT M. GRIESER**

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

CERTIFIED MAIL