

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

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| In the matter of: |) | Case No. 05-0052-LOD |
| |) | |
| SCOTT A. BRESLER |) | <u>DIVISION ORDER</u> |
| 300 Steeple Chase Lane |) | Denial of Loan Officer License Application |
| Monroe, OH 45050 |) | & |
| |) | Notice of Appellate Rights |

Respondent, Scott A. Bresler ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on October 1, 2004. On February 10, 2005, the Division notified Respondent that it intended to deny his loan officer license application ("Application") because: (1) In or around 1990, in the Court of Common Pleas, Hancock County, Ohio, he pleaded guilty to and was convicted of burglary and 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; (2) Respondent attested in a sworn statement that information he provided on a license application was complete and truthful, when the information provided was false; (3) Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (4) he violated R.C. 1322.07(A), (B), and (C) by not disclosing his conviction on his loan officer license application; and (5) 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 April 1, 2005. A Report and Recommendation ("Report") was filed with the Division on May 26, 2005, 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 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 7 on page 5 and 6 of the Report and Recommendation.

Bresler was convicted of burglary, an enumerated offense and did not disclose his conviction in response to question five on the loan officer license application. (See Exhibits A and C). This non-disclosure reflects negatively on Respondent's general fitness to perform the duties of a loan officer. On a daily basis loan originators deal with consumers' personal financial information and counsel them on what is most often their largest financial investment. Being able to comprehend and evaluate complicated mortgage documents is a vital part of the job. By not adequately verifying his criminal background, Respondent has demonstrated to the Division that he does not hold the requisite fitness needed to be a loan officer.

The Division modifies paragraph 10 on pages 6 and 7 of the Report and Recommendation.

Respondent's intent when falsely filling out his loan officer license application is irrelevant to the Division's determination.¹ Therefore, Bresler violated 1322.07 (C) in addition to (A) and (B) by falsely answering question five on his loan officer license application.

The Division disapproves paragraph 11 and the Recommendation on page 7 of the Report and Recommendation.

The Division has a responsibility to the public to be diligent in its oversight, and this responsibility demands that not accurately answering a question about one's criminal background be taken seriously. Respondent does not hold the requisite general fitness to become a loan officer.

In accordance with the foregoing, the Division hereby denies the loan officer application of Scott A. Bresler.

It is so ordered.

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

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 28th day of September 2006.

ROBERT M. GRIESER

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