

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

In the matter of:)	Case No. 05-00164-LOD
)	
JONATHON A. BURKE)	Notice of Intent to Deny Loan Officer License Renewal
1216 S. Washington)	&
Columbus, OH 43206)	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, and the rules adopted thereunder.

RESPONDENT

JONATHON A. BURKE ("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, 2005, and Respondent filed an application to renew his license; that renewal application remains pending. His address of record is 1216 S. Washington, Columbus, OH 43206, and his date of birth is January 1, 1980. Respondent's employer of record is Ace Mortgage Funding, Inc. 777 Beachway Dr, Suite 300, Indianapolis, IN, 46224.

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:

- A. The Division is authorized by R.C. 1322.10(A)(1)(a) to refuse to renew a loan officer license if the Division finds that the licensee has violated "or fail[ed] to comply with any provision of sections 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or any other law applicable to the business conducted[.]"
- B. For a loan officer to have his license renewed, R.C. 1322.041(B)(3) requires every licensed loan officer to meet the condition outlined in 1322.041(A)(5) which states that loan officer's "...character and general fitness must 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 sections 1322.01 to 1322.12 of the Revised Code (Ohio Mortgage Broker Act)."
- C. On or around March 8, 2004, in the Franklin County Municipal Court, Respondent was convicted of Resisting Arrest, a misdemeanor of the second degree.
- D. On or around April 28, 2004, Respondent attested in a sworn statement that information he provided about his criminal background on his loan officer license application he submitted

to the Division was complete and truthful when it was not. On or around April 30, 2004, Respondent proceeded to provide such untruthful information to the Division.

- E. On or around March 28, 2005, Respondent attested in a sworn statement that information he provided about his criminal background on his loan officer license application he submitted to the Division was complete and truthful when it was not. On or around April 18, 2005, Respondent proceeded to provide untruthful information about his criminal background to the Division.
- F. Respondent's actions, as listed above in Paragraphs D and E, shows 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 the Ohio Mortgage Broker Act. See R.C. 1322.041(A)(5).
- G. Respondent's actions listed in Paragraphs D and E violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
- H. Respondent's actions listed in Paragraphs D and E violated R.C. 1322.07(B), which prohibits a loan officer applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statements required by state law[.]"
- I. Respondent's actions listed in Paragraphs D and E violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
- J. On or about August 4, 2005, Respondent was convicted of disorderly conduct.
- K. Because Respondent's nondisclosure of criminal conviction, violation of R.C. 1322.07(A), (B), and (C), and his criminal convictions, the Division finds 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) & (B)(3)
- L. Because Respondent did not meet the condition outlined in R.C. 1322.041(A)(5) & (B)(3), the Division finds that the Ohio Mortgage Broker Act has not been complied with and the Division has the authority to refuse to renew Respondent's loan officer license.

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 the application for renewal of Respondent's loan officer license.

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 Winslow—Consumer Finance Staff Attorney, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

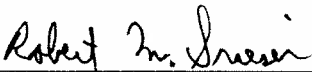
At the hearing, Respondent may appear in person, by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position,

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 loan officer license.

Signed and sealed this 13th day of September 2005.




ROBERT M. GRIESER
Deputy Superintendent for Consumer Finance
Division of Financial Institutions
Ohio Department of Commerce