

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

In the matter of:	)	Case No. M2009-157
	)	
<b>GENE R. WEIHL, II</b>	)	<b>Notice of Intent to Deny Mortgage Loan</b>
<b>dba INSTA-CASH</b>	)	<b>Certificate of Registration Application</b>
1009 Washington Boulevard	)	&
Belpre, Ohio 45714	)	<b>Notice of Opportunity for a Hearing</b>
	)	

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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 Loan Act, codified in Ohio Revised Code ("R.C.") Chapter 1321.

**RESPONDENT**

Gene R. Weihl, II dba Insta-Cash ("Respondent") is a sole proprietorship that held check cashing licenses and check-cashing loan licenses issued by the Division to conduct business under the Ohio Check-Cashing Act and the Ohio Check-Cashing Loan Act pursuant to R.C. 1315.21 to 1315.30 and 1315.35 to 1315.44, respectively. The business address of record for Respondent's main office locations for his check-cashing license and check-cashing loan license was 1009 Washington Boulevard, Belpre, Ohio 45714. Respondent's main office operated under check-cashing license number CC.700132.000 and check-cashing loan license number CL.750094.000. Respondent had six licensed branch offices operating under each respective license. Respondent's main and branch office check-cashing loan licenses were cancelled on December 12, 2008 by operation of law, and Respondent's main and branch office check-cashing licenses were cancelled on January 1, 2009 because he did not submit a renewal application to the Division. Respondent has not applied for or received a small loan license issued by the Division pursuant to R.C. 1321.01 to 1321.21. Respondent submitted an application to the Division for a certificate of registration under the Ohio Mortgage Loan Act on January 6, 2009. The application for such certificate of registration remains pending.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. 1321.53(A)(4) and R.C. Chapter 119, the Division intends to DENY Respondent's application for an Ohio Mortgage Loan Certificate of Registration.

**BASIS FOR PROPOSED ACTION**

The Division has conducted an investigation of Respondent, pursuant to R.C. 1321.53(A)(2) and has found the following:

1. From about December 13, 2008 to about February 26, 2009, Respondent engaged in the business of lending money pursuant to the Ohio Mortgage Loan Act, R.C. 1321.57, while his application for a certificate of registration was pending.

2. From about December 13, 2008 to about February 26, 2009, Respondent engaged in the business of lending money, credit, or choses in action in amounts of five thousand dollars or less. He also exacted, contracted for, or received interest in excess of 8% per annum for such loans without first having obtained a license from the Division under the Ohio Small Loan Act in violation of R.C. 1321.02 and 1343.01.
3. As a result of the violations in paragraphs 1 and 2 above, Respondent's character and general fitness do not command the confidence of the public and warrant the belief that its business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Loan Act. See R.C. 1321.53(A)(4).

**NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION**

Therefore, pursuant to R.C. Chapters 1321 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's mortgage loan certificate of registration application.

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: Jacqueline Mallett, Consumer Finance Attorney Examiner, 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's mortgage loan certificate of registration application.

Signed and sealed this 31st day of March 2009.

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**LEIGH A. WILLIS**

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