

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

In the matter of:	)	Case No. 05-0058-LOD
	)	
<b>DAVID W. ASHLEY</b>	)	<b><u>DIVISION ORDER</u></b>
5310 Moeller Avenue	)	<b>Denial of Loan Officer License Application</b>
Cincinnati, OH 45212	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
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Respondent, David W. Ashley ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on August 19, 2003. That application was withdrawn on April 27, 2004 for failure to respond to a Division request for further information. On August 2, 2004, Respondent submitted a new application for a loan officer license application. 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, Hamilton County, Ohio, Respondent pleaded guilty to and was convicted of theft and he 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) he violated R.C. 1322.07(A), (B) and (C) by failing to disclose his theft conviction on either application; and (3) 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 March 31, 2005. A Report and Recommendation ("Report") was filed with the Division on May 17, 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). Following its review of the record, the Division hereby adopts the hearing officer's recommendation and denies the loan officer license application of David W. Ashley.

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 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 20<sup>th</sup> day of September 2006.

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**ROBERT M. GRIESER**

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