

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

In the matter of:	)	Case No. 05-0117-LOD
	)	
<b>JEFFREY J. SUMMER</b>	)	<b><u>DIVISION ORDER</u></b>
1069 Vincent Boulevard	)	<b>Denial of Loan Officer License Application</b>
Alliance, OH 44601	)	<b>&amp;</b>
_____	)	<b>Notice of Appellate Rights</b>

Respondent, Jeffrey J. Summer, submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on February 7, 2005. On June 30, 2005, the Division notified Respondent that it intended to deny his Application because: (1) he violated R.C. 1322.07(A) by failing to disclose his conviction on his Application; (2) he violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required on the licensing application; (3) he violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (4) because his character and general fitness did not command the confidence of the public and warrant the belief that his business will be operated honestly and fairly in compliance with the purposes of R.C. 1322.01 to 1322.12 – the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing which was held on September 15, 2005. A Report and Recommendation (“Report”) was filed with the Division on February 27, 2006, 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, the transcript of testimony and exhibits as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner’s Report and Recommendation is attached).

The Division disapproves paragraphs 2-4 under section **B. Loan Officer License Application**, on pages 3 and 4 and paragraphs 11 and 12 on page 5 of the Report.

The cases which the hearing officer cites are not applicable. The burden of proof is determined in R.C. 1322.041(A)(3) and (5). If an applicant has a criminal conviction which falls within one of the enumerated offenses, then the burden of proof shifts to the respondent to prove that their activities and employment record since the conviction show that the applicant is honest,

truthful and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again. The burden is on the Division to prove that the applicant's character and general fitness do not command the public and warrant the belief that the business will be operated honestly and fairly in compliance with the Mortgage Broker Act. The Division did meet this burden, as Respondent did not disclose his criminal conviction, thus violating R.C. 1322.07(A), (B), and (C).

The Division disapproves paragraph 8 on page 5 of the Report.

Respondent's criminal conviction does not by itself shift a burden of proof to him because his conviction was not enumerated. See. R.C. 1322.031(A)(2) and 1322.041(A)(3).

The Division approves and adopts the recommendation on page 5 of the Report to deny Respondent, Jeffrey J. Summer's loan officer license application.

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, pursuant to R.C. 119.12, 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 31<sup>st</sup> day of August 2006.

---

**ROBERT M. GRIESER**

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