

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF FINANCIAL INSTITUTIONS
77 South High Street, 21st Floor
Columbus, Ohio 43215-6120

In the matter of:)	Case No. 04-0422LOD
)	
STEVEN J. GILMER)	Notice of Intent to Deny
11188 Hosford Road)	Loan Officer License Application
Chardon, Ohio 44024)	&
)	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

STEVEN J. GILMER ("Respondent") has applied to the Division for a loan officer license. His address of record is 11188 Hosford Road, Chardon, Ohio 44024 and his date of birth is March 16, 1954. Respondent's employer of record is Michael A. Thoennes D.B.A. American National Mortgage, company number 801172.

NOTICE OF PROPOSED ACTION

In accordance with R.C. §1322.10(A)(1)(a), and pursuant to R.C. Chapter 119, the Division intends to **DENY** Respondent's loan officer license application.

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. On June 3, 2002, the Division approved Respondent's loan officer license application. Respondent's approval expired on September 1, 2002 when Respondent did not take the loan officer license examination within 90 days of his approval date.
- B. On November 9, 2002, the Division approved Respondent's loan office license application. Respondent's approval expired on February 7, 2003 when Respondent did not take the loan officer license examination within 90 days of his approval date.
- C. On May 30, 2003, the Division approved Respondent's loan officer license application. Respondent's approval expired on August 28, 2003 when Respondent did not take the loan officer license examination within 90 days of his approval date.

- D. Respondent's employer of record is Michael A. Thoennes D.B.A. American National Mortgage, company number 801172. On March 1 and March 2, 2004, an examiner with the Division examined Michael A. Thoennes D.B.A American National Mortgage's offices pursuant to the Division's authority under section 1322.06 of the Ohio Revised Code.
- E. Upon the examination, it was determined that the Respondent was acting as a loan officer by originating and closing loans for Michael A. Thoennes D.B.A. American National Mortgage during the times his license had expired by operation of law. Respondent signed a mortgage loan origination agreement on May 8, 2003 when his loan officer license was canceled by operation of law on February 7, 2003.
- F. Furthermore, Respondent signed a loan application on behalf of a consumer on September 14, 2003, and closed the loan for this consumer on October 10, 2003. Respondent's loan officer license was cancelled by operation of law on August 28, 2003.
- G. Moreover, Respondent originated and closed a loan for a consumer in February of 2004 when his loan officer license was canceled by operation of law on August 28, 2003.

As a result of the findings listed above, the Division has determined the following:

- 1. Respondent's actions, as listed above in Paragraphs E through G, shows his character and general fitness do not command the confidence of the public to warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of the Ohio Mortgage Broker Act as required by R.C. 1322.041(A)(5).
- 2. Respondent's actions listed in Paragraphs E through G violated R.C. §1322.051, which prohibits a loan officer applicant from acting as a loan officer when the license has been cancelled by operation of law, which is ninety days after the original issuance of the loan officer license if the licensee has not successfully completed an examination approved by the superintendent.
- 3. Respondent's actions listed in Paragraphs E through G violated R.C. §1322.07(C), which prohibits a loan officer applicant from engaging "in conduct that constitutes improper, fraudulent, or dishonest dealings."

NOTICE OF OPPORTUNITY FOR A HEARING ON PROPOSED ACTION

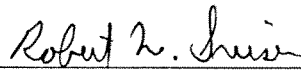
Therefore, pursuant to R.C. Chapters 1322 and 119, Respondent is hereby notified that thirty-one (31) days from the date of the mailing of this Notice, the Superintendent intends to issue an order denying Respondent a loan officer license under the Ohio Mortgage Broker Act.

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 C. 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 a loan officer license.

Signed and sealed this 13th day of July, 2004.



ROBERT M. GRIESER

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

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