

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

In the matter of:	)	Case No. M2008-595
	)	
<b>JEFFREY A. KOHLER</b>	)	<b>Notice of Intent to Deny Loan Officer License</b>
6228 McKenzie Road	)	<b>Renewal Application</b>
North Olmsted, OH 44070	)	<b>&amp;</b>
	)	<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 Broker Act, codified in Ohio Revised Code ("R.C.") Chapter 1322. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

**RESPONDENT**

**JEFFREY A. KOHLER** ("Respondent") has applied to the Division for a loan officer renewal license. His address of record is 6228 McKenzie Road, North Olmsted, Ohio 44070, and his date of birth is October 14, 1969. Respondent's employer of record is Brian A. Cole & Associates, Ltd. d/b/a First Nations Mortgage of Ohio, 13001 Athens Avenue, Suite 250, Lakewood, Ohio 44107.

**NOTICE OF PROPOSED ACTION**

In accordance with R.C. sections 1322.041 and 1322.10 and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license renewal 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 or around April 18, 2008, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's loan officer license application submitted to the Division was complete and truthful when it was not.
- B. On or around April 18, 2008, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division.

- C. On or around April 8, 2007, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's loan officer license application submitted to the Division was complete and truthful when it was not.
- D. On or around April 16, 2007, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division.
- E. On or around March 16, 2006, Respondent attested in a sworn statement that information provided about Respondent's criminal background on Respondent's loan officer license application submitted to the Division was complete and truthful when it was not.
- F. On or around April 11, 2006, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division.
- G. On or around September 12, 2008, the Division sent to Respondent an investigatory letter by regular mail requesting certain documents pertaining to Respondent's criminal convictions. Respondent failed to respond to this letter or provide the requested documents to the Division. On or around October 22, 2008, the Division sent Respondent, by certified mail, another letter requesting certain documents pertaining to Respondent's criminal convictions. Respondent failed to respond to this letter or provide the requested documents to the Division. By failing to provide the documents the Division requested, Respondent violated R.C. 1322.072(A).

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

- 1. Respondent's actions, as listed above, show 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)(6) and R.C. 1322.041(B)(3).
- 2. Respondent's actions, as listed above, violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
- 3. Respondent's actions, as listed in paragraphs A through F, 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 statement required by state law[.]"
- 4. Respondent's actions, as listed in paragraphs A through F, 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."
- 5. By failing to cooperate with a Division investigation, Respondent violated R.C. 1322.072(A).

6. Because Respondent violated R.C. 1322.07(A), R.C. 1322.07(B), R.C. 1322.07(C), and R.C. 1322.072(A), Respondent's loan officer license should be denied pursuant to R.C. 1322.10(A)(1)(a).

**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 renewal of Respondent's 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: Martha Rhea, 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 the renewal of Respondent's loan officer license.

Signed and sealed this 30<sup>th</sup> day of December, 2008.

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**LEIGH A. WILLIS**

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