

Ted Strickland
Governor

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

Kimberly A. Zurz
Director

In the matter of:) Case No. M2008-238
)
JOSHUA A. MINER) **DIVISION ORDER**
2283 Narrow Leaf Court) **Revocation of Loan Officer License**
Lewis Center, Ohio 43035) **&**
) **Notice of Appellate Rights**

Respondent, Joshua A. Miner ("Respondent"), held a Loan Officer License ("License") issued by the Division of Financial Institutions ("Division") during calendar year 2007. On April 28, 2008, the Division notified Respondent that it issued an Order of Summary Suspension, Notice of Intent to Revoke and Notice of Hearing ("Order") because: (1) Respondent failed to comply with the 2007 continuing education requirement set forth in R.C. 1322.052; (2) because Respondent failed to comply with R.C. 1322.052, the Division is required under R.C. 1322.10(F)(2) to suspend Respondent's License; and (3) because Respondent failed to comply with R.C. 1322.052, the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent's loan officer License.

An administrative hearing was held on May 22, 2008. Respondent failed to appear. A Report and Recommendation ("Report") was filed with the Division on July 10, 2008, recommending that the Division continue the suspension of Respondent's License. No recommendation was made with respect to the Division's Notice of Intent to Revoke. 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. (The Report is attached). Following its review of the record, the Division hereby adopts the hearing officer's recommendation to continue the License suspension of Joshua A. Miner. The Division modifies the Report and Recommendation to add the following language:

"21. The Division is authorized by R.C. 1322.10(A)(1)(a) to revoke a loan officer license if the Division finds that the licensee has failed to comply with any provision of section 1322.01 to 1322.12 of the Revised Code. The Division has

established that Respondent violated R.C. § 1322.052. Accordingly, the Division is authorized under R.C. 1322.10(A)(1)(a) to revoke Respondent's loan officer license."

The reason for this modification is that the Hearing Officer was silent on the Division's Notice of Intent to Revoke. In order to promote the efficient and economical use of the Division's resources, the Division is permitted to both suspend and revoke the loan officer license in one administrative proceeding so long as the Division complies with the procedural requirements of R.C. Chapter 119.

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. (A copy of the Report is attached hereto). Following its review of the record, the Division hereby adopts the hearing officer's recommendation and continues the License suspension of Joshua A. Miner, and the Division modifies the hearing officer's recommendation and hereby revokes the loan officer license of Joshua A. Miner.

It is so ordered.

NOTICE OF RIGHT TO APPEAL

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 29th day of July 2008.

LEIGH A. WILLIS

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