

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

In the matter of:)	Case No. M2006-9992739
)	
JERRY A. PONSKY)	Notice of Intent to Revoke Loan Officer License
17632 Walnut Trail)	&
Bainbridge, OH 44023)	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

JERRY A. PONSKY ("Respondent") holds an active loan officer license issued by the Division. His address of record is 17632 Walnut Trail, Bainbridge, OH 44023, and his date of birth is February 15, 1952. His former employer of record is OMC Lending, Inc., 4311 Ridge Road, Brooklyn, OH 44144.

NOTICE OF PROPOSED ACTION

In accordance with R.C. 1322.10(A)(1)(b), and pursuant to R.C. Chapter 119, the Division intends to REVOKE Respondent's loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

In or around 2006, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of ATTEMPTED THEFT WITH ELDERLY SPECIFICATION, a felony of the fourth degree, in violation of R.C. 2923.02 and 2913.02(B)(3).

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

1. In accordance with R.C. § 1322.10(A)(1)(b), the superintendent of the Division may revoke a loan officer license if the superintendent finds that the licensee has been convicted or pleaded guilty to a criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities.
2. Based on Respondent's conviction for theft, the Division has the authority to revoke Respondent's loan officer license. R.C. § 1322.10(A)(1)(b).
3. Based on Respondent's conviction for theft, the Division finds that the revocation of Respondent's loan officer license shall be permanent. R.C. § 1322.10(E).

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 permanently revoking Respondent's loan officer license.

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: Carrie V. Moore—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 revoking Respondent's loan officer license.

Signed and sealed this 20th day of April 2006.

ROBERT M. GRIESER

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