

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

In the matter of:)	Case No. M2010-491
)	
BRIAN S. NIKLAS)	<u>DIVISION ORDER</u>
7736 Nakita Court)	Refusal to Renew Loan Originator License
Sagamore Hills, OH 44067)	&
)	Notice of Appellate Rights
)	

Respondent, Brian S. Niklas (“Respondent”), held a loan originator license issued by the Division of Financial Institutions (“Division”) during calendar year 2009. On July 8, 2010, the Division notified Respondent that it intended to refuse to renew his loan originator license because: (1) Respondent failed to comply with the 2009 continuing education requirement set forth in R.C. 1322.052; and (2) because Respondent failed to comply with R.C. 1322.052, the Division is authorized under R.C. 1322.10(A)(1)(a) to refuse to renew Respondent’s loan originator license.

Respondent requested an administrative hearing, which was held before a hearing examiner on October 6, 2010. Respondent failed to appear. The hearing examiner’s Report and Recommendation was filed with the Division on October 28, 2010, recommending that the Division refuse to renew Respondent’s loan originator license. (The Hearing Examiner’s Report and Recommendation is attached). No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. Following its review of the record, the Division hereby adopts the hearing examiner’s recommendation and refuses to renew the loan originator license of Brian S. Niklas.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

Respondent is hereby notified that pursuant to R.C. 119.12, this Division Order may be appealed by filing a notice of appeal with the Division setting forth the Order that Respondent is appealing from and stating that the Division's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may also include, but is not required to include, the specific grounds for the appeal. The notice of appeal must also be filed with the appropriate court of common pleas in accordance with R.C. 119.12. In filing the notice of appeal with the Division or court, the notice that is filed may be either the original notice or a copy of the original notice. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this Division Order.

Signed and sealed this 19th day of November, 2010.

LEIGH A. WILLIS

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