

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

In the matter of:)	Case No. M2006-9992872
)	
GARY A. SPRINGER)	<u>DIVISION ORDER</u>
3777 Heritage Point Boulevard)	Denial of Loan Officer License Application
Mason, OH 45040)	&
)	Notice of Appellate Rights

Respondent, Gary A. Springer (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on May 31, 2006. On August 3, 2006 the Division notified Respondent that it intended to deny his Application because: (1) in or around 1997, in the Fairfield, Ohio, Municipal Court, Respondent pleaded guilty to and was convicted of attempted trafficking in marijuana; (2) Respondent had not proven that he is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving drug trafficking or any criminal offense involving money or securities; (3) on or around May 26, 2006, Respondent attested in a sworn statement that information he provided about his criminal background in the Application he submitted to the Division was complete and truthful when it was not; (4) on or around May 31, 2006, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division; (5) he violated R.C. 1322.07(A) by failing to disclose his conviction in the Application; (6) he violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law in the Application; (7) he violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (9) because his character and general fitness did 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 R.C. 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on October 4, 2006. A Report and Recommendation (“Report”) was filed with the Division on December 19, 2006, recommending that the Division deny Respondent’s application. 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. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report is attached).

The Division disapproves paragraph C under Conclusions of Law on page 3 of the Report.

Respondent was convicted of attempted drug trafficking in 1997 in the Fairfield Municipal Court and did not disclose the conviction in the Application. (State's Exs. A and B). This answer violates R.C. 1322.031(A)(2) as it was not a complete answer. It was not complete because Respondent did in fact have a conviction related to the offenses specifically mentioned in the statute and did not disclose it.

The Division disapproves paragraph D under Conclusions of Law on page 3 of the Report.

Respondent violated R.C. 1322.07(C) by filing an untruthful loan officer license application with the Division. He answered no to question 6 of the Application which specifically inquires about drug trafficking arrests or convictions. (State's Ex. A). However, instead of being honest, Respondent answered that question in the negative and submitted the untruthful answer to the Division. Respondent's conduct was improper, fraudulent and dishonest, thus violating R.C. 1322.07(C).

The Division adopts the Recommendation on page 4 of the Report.

As the Division has established the basis for and proven the violations of R.C. 1322.07(A), (B), and (C), the Division has established a lack of compliance with the Ohio Mortgage Broker Act. Additionally, the record, does not support the conclusion that Respondent meets the conditions for licensure set forth in 1322.041(A)(2), (3), and (5).

For the reasons stated above, the Division hereby denies the loan officer license application of Gary A. Springer.

It is so ordered.

NOTICE OF APPELLATE RIGHTS

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, must 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 31st day of January 2007.

RICHARD F. KECK

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