

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

In the matter of:)	Case No. 05-0044-LOD
)	
DAVID McNEIL)	Notice of Intent to Deny Loan Officer License Application
2799 Oxford Lane)	&
Akron, Ohio 44312)	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. In accordance therewith, the Division is accountable for the licensing of individuals as residential mortgage loan officers.

RESPONDENT

DAVID McNEIL ("Respondent") has applied to the Division for a loan officer license. His address of record is 2799 Oxford Lane, Akron, Ohio 44312, and his date of birth is December 12, 1955. Respondent's employer of record is Allied Home Mortgage Capital Corporation, 6085 Memorial Drive, Dublin, Ohio 43017.

NOTICE OF PROPOSED ACTION

In accordance with sections 1322.041 and 1322.10 of the R.C., and R.C. Chapter 119, the Division intends to DENY Respondent's loan officer license 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. In or around 1989, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of RECEIVING STOLEN PROPERTY (MOTOR VEHICLE), a misdemeanor of the third degree. (Case No. CR-232222.)
- B. In or around 1992, in the Mentor Municipal Court, Lake County, Ohio, Respondent pleaded guilty to and was convicted of PETTY THEFT, a misdemeanor of the first degree. (Case No. 90 CRB 1398.)
- C. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Respondent was found to have been in VIOLATION OF THE TERMS OF HIS PROBATION, which he was sentenced to as a result of the conviction in case no. CR-232222.
- D. In or around 1997, in the Akron Municipal Court, Summit County, Ohio, Respondent was convicted of DOMESTIC VIOLENCE, a misdemeanor of the first degree. (Case No. 97 CRB 8613.)
- E. In or around 1998, in the Court of Common Pleas, Summit County, Ohio, Respondent pleaded guilty to and was convicted of DOMESTIC VIOLENCE, a misdemeanor of the first degree. (Case No. CR 98 03 0652.)

- F. In November 2003, the Division found that Respondent's character and general fitness did not command the confidence of the public and warrant the belief that the business would be operated honestly and fairly in compliance with the Ohio Mortgage Broker Act.
- G. In November 2003, the Division found that Respondent violated R.C. 1322.07, due to Respondent's "omission of a material fact" on his loan officer license application.

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

- 1. Respondent's actions, as listed above in Paragraph A, show that he has 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 theft or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
- 2. Respondent's actions, as listed above in Paragraph B, show that he has 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 theft or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
- 3. Respondent's action, as listed above in Paragraph A, shows his 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)(5).
- 4. Respondent's action, as listed above in Paragraph B, shows his 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)(5).
- 5. Respondent's action, as listed above in Paragraph C, shows his 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)(5).
- 6. Respondent's action, as listed above in Paragraph D, shows his 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)(5).
- 7. Respondent's action, as listed above in Paragraph E, shows his 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)(5).
- 8. Respondent's action, as listed above in Paragraph F, shows his 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)(5).
- 9. Respondent's action, as listed above in Paragraph G, shows his 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)(5).

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 Respondent a 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: Mark L. Rhea, 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 denying Respondent a loan officer license.

Signed and sealed this 25th day of May 2005.

ROBERT M. GRIESER

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

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