

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

In the matter of:

**JAMES TUMSER**  
3563 Hopper Hill Road  
Cincinnati, Ohio 45255

) Case No. 03-LO-D-99-100  
)  
) **DIVISION ORDER**  
)  
) **Denial of Loan Officer License Application**  
)

**DIVISION ORDER**

On June 27, 2003, James Tumser ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On October 1, 2003, the Division issued Respondent a notice of the Division's intent to deny Respondent's application, and notified Respondent of his right to a hearing on the matter. Respondent requested a hearing, and pursuant thereto, an administrative hearing was held in accordance with Ohio Revised Code Chapter 119 on December 2, 2003.

The hearing officer filed his written report and recommendation with the Division on February 5, 2004, recommending that the Division deny Respondent's application. A copy of the report and recommendation and a letter explaining Respondent's right to submit written objections to the report was mailed to Respondent via certified mail. Respondent did not file objections.

Upon consideration of the hearing officer's Report and Recommendation, Respondent's objections thereto, and all evidence admitted at the hearing, the Division hereby modifies certain paragraphs in the Hearing Officer's Report and Recommendation as follows. Paragraphs of the Report and Recommendation not specifically addressed below are approved.

Paragraph 4 on page 5 of the Report and Recommendation reads:

Because the Respondent has been convicted of a misdemeanor offense, the burden of proof shifted to the Respondent to show by a preponderance of the evidence that there is no basis in fact for believing that he will commit another criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering or drug trafficking or any criminal offense, involving money or securities. The failure to disclose the criminal convictions also caused the burden of proof to shift to the Respondent to show by a preponderance of the evidence that his character and fitness command the confidence of the public to warrant the belief that the business will be operated honestly and fairly in compliance with the purpose of the Ohio Mortgage Broker Act.

In accord with R.C. §§1322.031(A)(2) and 1322.041(A)(3), the Division modifies Paragraph 4 on page 5 to read:

Because Respondent had been convicted of theft, the burden of proof shifted to Respondent to show, by a preponderance of the evidence, that

