

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

In the matter of:	)	Case No. 04-0268-LOD
	)	
<b>DAVID L. ENGLE</b>	)	<b><u>DIVISION ORDER</u></b>
8320 Butler Warren Road	)	<b>Denial of Loan Officer License Application</b>
Mason, Ohio 45040	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
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Respondent, David L. Engle (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on December 17, 2003. On February 13, 2004, the Division notified Respondent that it intended to deny his Application because: (1) In or around 2000, in the Springdale Mayor’s Court, Hamilton County, Ohio, Respondent was convicted of petty theft<sup>1</sup>; (2) 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 petty theft or any criminal offense involving money or securities; (3) in 2003, Respondent provided untruthful information to the State of Ohio, Department of Commerce, Division of Financial Institutions; (4) Respondent violated R.C. 1322.07(A) by making a substantial misrepresentation in the Application; (5) Respondent 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; (6) Respondent violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (7) because Respondent’s 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 R.C. sections 1322.01 to 1322.12, the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on February 10, 2005. Respondent did not appear. A Report and Recommendation (“Report”) was filed with the Division on July 28, 2005, recommending that the Division deny Respondent's Application. No objections were filed.

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<sup>1</sup> Although not applicable to the present case, the Respondent should be aware of the recent amendment to the Ohio Mortgage Broker Act, which prohibits anyone with a prior theft conviction from being issued a license. See, R.C. 1322.041(A)(3), eff. Jan. 1, 2007.

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. (A copy of the Report is attached hereto).

The Division notes that Respondent signed the Application in front of a notary attesting to the truthfulness of his answers on December 15, 2003, not on September 18, 2002 as contained in paragraph 5 on page 4 of the Report.

The Division modifies paragraph 10 on page 4 of the Report to include that Respondent also violated R.C. 1322.07(B) and (C) with his false answer to question five on the Application.

Following its review of the record, the Division hereby adopts the hearing officer's recommendation. Therefore, the Division denies the loan officer license application of David L. Engle.

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 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 28<sup>th</sup> day of February 2007.

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**RICHARD F. KECK**

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