

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

In the matter of:	)	Case No. 04-0377-LOD
	)	
<b>JOSEPH R. KENNEDY</b>	)	<b>Notice of Intent to Deny Loan Officer License Application</b>
745 Polo Drive South	)	<b>&amp;</b>
Columbus, Ohio 43229	)	<b>Notice of Opportunity for a Hearing</b>
	)	

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**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**

**JOSEPH R. KENNEDY** ("Respondent") has applied to the Division for a loan officer license. His address of record is 745 Polo Drive South, Columbus, Ohio 43229, and his date of birth is September 1, 1977. Respondent's employer of record is Avalanche Funding Group, 1 Easton Oval, Suite 320, Columbus, Ohio 43219.

**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 1996, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent was convicted of UNAUTHORIZED USE OF PROPERTY, a misdemeanor of the fourth degree. (Case No. 96 CRB 5839)
- B. In or around 1997, in the Court of Common Pleas, Franklin County, Ohio, Respondent pleaded guilty to and was convicted of ATTEMPTED RECEIVING STOLEN PROPERTY, a misdemeanor of the first degree. (Case No. 96 CR 053111)
- C. In or around 1998, in the Delaware Municipal Court, Delaware County, Ohio, Respondent was convicted of THEFT, a misdemeanor of the first degree. (Case No. 97 CRB 02027)
- D. In or around 1999, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent pleaded guilty to and was convicted of OPERATING A MOTOR VEHICLE WHILE INTOXICATED. (Case No. 99 TRC 114747)
- E. In or around 2002, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent pleaded guilty to and was convicted of OPERATING A MOTOR VEHICLE WHILE INTOXICATED, a misdemeanor of the first degree. (Case No. 01 TRC 206731)

- F. In or around 2002, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent pleaded guilty to and was convicted of OPERATING A MOTOR VEHICLE WHILE INTOXICATED, a misdemeanor of the first degree. (Case No. 02 TRC 108330)
- G. In or around 2003, in the Franklin County Municipal Court, Franklin County, Ohio, Respondent pleaded guilty to and was convicted of ASSAULT, a misdemeanor of the first degree. (Case No. 03 CRB 002316)
- H. On or around September 25, 2003, Respondent attested in a sworn statement that information he provided about his criminal background on his loan officer license application he submitted to the Division was complete and truthful when it was not.
- I. On or around December 4, 2003, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division.

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 receiving stolen property or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
- 3. Respondent's actions, as listed above in Paragraph C, 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).
- 4. Respondent's actions, as listed above in Paragraph A, show 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 actions, as listed above in Paragraph B, show 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 actions, as listed above in Paragraph C, show 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 actions, as listed above in Paragraph D, show 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 actions, as listed above in Paragraph E, show 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 actions, as listed above in Paragraph F, show 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).
10. Respondent's actions, as listed above in Paragraph G, show 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).
11. Respondent's actions, as listed above in Paragraph H, show 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).
12. Respondent's actions, as listed above in Paragraph I, show 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).
13. Respondent's actions listed in Paragraph H violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
14. Respondent's actions listed in Paragraph I violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
15. Respondent's actions listed in Paragraph H violated R.C. 1322.07(B), which prohibits a loan officer applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]"
16. Respondent's actions listed in Paragraph I violated R.C. 1322.07(B), which prohibits a loan officer applicant from "[m]ak[ing] false or misleading statements of a material fact, [or] omissions of statement required by state law[.]"
17. Respondent's actions listed in Paragraph H violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."
18. Respondent's actions listed in Paragraph I violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngage[ing] in conduct that constitutes improper, fraudulent, or dishonest dealings."

**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, 21<sup>st</sup> 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 14th day of May, 2004.

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**ROBERT M. GRIESER**

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

Certified Mail No. 7002 2030 0002 6802 5090