

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

In the matter of:)	Case No. 04-0211-LOD
)	
DAVID E. CARTER)	Notice of Intent to Deny Loan Officer License
19003 Longview Avenue)	&
Maple Heights, Ohio 44137)	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 E. CARTER ("Respondent") has applied to the Division for a loan officer license. His address of record is 19003 Longview Avenue, Maple Heights, Ohio 44137, and his date of birth is November 18, 1950. Respondent's employer of record is Union National Mortgage, 8241 Dow Circle West, Strongsville, Ohio 44136.

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 a loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

1. In or around 1973, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent was convicted of the offenses of ARMED ROBBERY (TWO COUNTS) and AGGRAVATED ASSAULT in case no. CR-7234.
2. In or around 1981, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offenses of FORGERY (THREE COUNTS) and UTTERING (TWO COUNTS) in case no. CR161128-B.
3. In or around 1984, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offenses of ATTEMPTED RECEIVING STOLEN PROPERTY (MOTOR VEHICLE) in case no. CR-187231.
4. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offense of PASSING BAD CHECKS in case no. CR-259193.
5. In or around 1992, in the Court of Common Pleas, Summit County, Ohio, Respondent pleaded guilty to and was convicted of the offenses of THEFT, a felony of the fourth degree, and DEFRAUDING A LIVERY OR HOSTELRY, a felony of the fourth degree, in case no. CR-92-07-1648.

6. In or around 1993, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offense of DEFRAUDING A LIVERY in case no. CR-280273.
7. In or around 1994, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a felony of the third degree in case no. CR-303849.

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

1. Respondent 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, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
2. 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 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: Diane Wagenbrenner, 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 22nd day of January, 2004.

ROBERT M. GRIESER

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

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