

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

In the matter of:)	Case No. 04-0306-LOD
)	
EARNEST J. MITCHELL)	<u>DIVISION ORDER</u>
3790 Vine Street, Suite 1)	
Cincinnati, Ohio 45217)	Denial of Loan Officer License Application
)	

DIVISION ORDER

On May 3, 2002, Earnest J. Mitchell ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On January 27, 2004, 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 March 8, 2004.

The hearing officer filed his written report and recommendation with the Division on May 24, 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 served on Respondent. Respondent did not file objections.

In accordance with Ohio Revised Code Section § 119.09, the Division has considered the Report and Recommendation, applicable laws, the transcript of testimony, and the exhibits. As a result, the Division modifies and/or disapproves the findings and/or conclusions listed below. Any finding and/or conclusion not specifically addressed below is approved, adopted and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached hereto as Exhibit A)

- The Division modifies paragraph 2 on page 3 of the Report and Recommendation. Paragraph 2 reads:

Question 5 of the Application provides:

Have you, or has any company for which you have been an officer, or more than 5% owner or director ever been convicted of any criminal offense including, but not limited to, theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities? Exclude minor traffic and parking offenses.

Yes ____ No ____

Paragraph 2 on page 3 should read exactly as what is contained in Exhibit 1. Paragraph 2 on page 3 shall read:

Question 5 of the Application provides:

Have you or has any company for which you have been an officer, or more than 5% owner or director, ever been convicted of or pleaded guilty to any criminal offense

including, but not limited to, theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities?

If the answer is yes, furnish details

Yes ____ No ____

With the modifications and/or disapprovals herein, the Division hereby confirms and approves the Hearing Examiner's recommendation that the Division deny Earnest J. Mitchell's loan officer license application.

NOTICE OF RIGHT TO APPEAL

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, pursuant to R.C. 119.12, 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 13th day of July 2005.

ROBERT M. GRIESER

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

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