

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

In the matter of:)	Case No. M2006-9992898
)	
)	<u>AMENDED</u>
CHARLES E. ZIBELL)	Notice of Intent to Deny Loan Officer License Application
9953 Darrow Park Drive, H106)	&
Twinsburg, Ohio 44087)	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

CHARLES E. ZIBELL ("Respondent") has applied to the Division for a loan officer license. His address of record is 9953 Darrow Park Drive, H106, Twinsburg, Ohio 44087, and his date of birth is November 15, 1976. Respondent's employer of record is First City Financial Group, LLC, 8555 Sweet Valley Drive, Unit A, Valley View, Ohio 44125.

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 1997, in the Cuyahoga Falls, Ohio, Municipal Court, Respondent was convicted of MISUSE OF A CREDIT CARD.
- B. In or around 1995, in the Cuyahoga Falls, Ohio Municipal Court, Respondent was convicted of DEFRAUDING A LIVERY OR HOSTLER.
- C. On or around January 15, 2003, Respondent attested in a sworn statement that information provided about his criminal background on the loan officer license application submitted to the Division was complete and truthful, when it was not.
- D. On or around January 17, 2003, Respondent provided incomplete or untruthful information about Respondent's criminal background to the Division in an attempt to obtain a loan officer license.

- E. On April 6, 2005, the Division issued an Order denying Respondent's 2003 loan officer license application, accepting the Hearing Officer's findings that Respondent had failed to demonstrate that he is honest or truthful, or that he could command the confidence of the public, or that the business would be operated honestly and fairly in compliance with the law.

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

1. Respondent's actions, as listed above, show that Respondent has not proven that Respondent is honest, truthful, and of good reputation, and that there is no basis in fact for believing that Respondent will not commit another criminal offense involving theft or fraud, 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, show 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).
3. Respondent's actions listed in Paragraphs C and D violated R.C. 1322.07(A), which prohibits a loan officer applicant from "mak[ing] any substantial misrepresentation in any registration or license application[.]"
4. Respondent's actions listed in Paragraphs C and D 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[.]"
5. Respondent's actions listed in Paragraphs C and D 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: Jason K. Wright, Consumer Finance Associate Counsel, 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 13th day of September 2006.

ROBERT M. GRIESER

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