

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

In the matter of:)	Case No. 04-0339-LOD
)	
ROBERT P. GILLESPIE)	<u>DIVISION ORDER</u>
9600 Shaw Road)	Denial of Loan Officer License Renewal
Spencer, Ohio 44275)	&
)	Notice of Appellate Rights
)	

Respondent, Robert P. Gillespie ("Respondent"), submitted a loan officer license renewal to the Division of Financial Institutions ("Division") on April 30, 2003. On April 1, 2004, the Division notified Respondent that it intended to deny his loan officer license application ("Application") because: (1) Respondent failed to comply with the 2002 continuing education requirements; and (2) 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 of the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on June 22, 2004. A Report and Recommendation ("Report") was filed with the Division on September 1, 2004, recommending that the Division grant Respondent's Application.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. As a result, the Division makes the following findings and conclusions. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached).

The Division disapproves paragraph 6 on page 4, and paragraph 4 on page 5 of the Report and Recommendation.

The Division has the burden to prove that 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 sections 1322.01-1322.12 of the Revised Code. See 1322.041(A)(5). This burden did not shift to Respondent when he did not comply with the 2002 continuing education requirements.

The Division modifies paragraph 14 to reflect that Respondent was licensed on December 23, 2002, not December 23, 2003.

The Division disapproves the recommendation on page 6 of the Report and Recommendation.

While Respondent testifies that in 2003 he tried to comply and took twelve hours of continuing education, he offered no proof besides his own self-serving testimony, for the record. (Tr. p. 17). Respondent provided no certificates at the hearing showing completion of the course "Legal Schmegal" in 2003. As the hearing officer notes in paragraph 3 on page 5 of the Report, and confirmed by the testimony of the Division employee responsible for the continuing education records, Respondent did not comply with the 2002 continuing education requirement, nor did he enter into a settlement agreement with the Division in order to rectify his violation of the Revised Code. (Tr. pp. 6—8). As Respondent did not comply with 1322.052, his character and general fitness do not command the confidence of the public and warrant the belief that business will be operated honestly and fairly in compliance with the Ohio Mortgage Broker Act.

For the reasons stated above, the Division hereby denies the Loan Officer License Renewal of Robert P. Gillespie.

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, 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 1st day of June 2006.

ROBERT M. GRIESER

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