

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

In the matter of:	)	Case No. 06-0153-LOD
	)	
<b>LAWRENCE C. GABA</b>	)	<b>Notice of Intent to Deny Loan Officer License Application</b>
173 North Cassingham Road	)	&
Bexley, Ohio 43209	)	<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**

**LAWRENCE C. GABA** ("Respondent") has applied to the Division for a loan officer license. His address of record is 173 North Cassingham Road, Bexley, Ohio 43209, and his date of birth is June 6, 1942. Respondent's employer of record is Pengrove Mortgage Company, 10945 Reed Hartman Highway, Suite 108, Cincinnati, Ohio 45242.

**NOTICE OF PROPOSED ACTION**

In accordance with Revised Code sections 1322.041 and 1322.10, 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. On or around February 28, 1992, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio found that Respondent, as an Ohio licensed attorney, had violated the following Disciplinary Rules: DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 6-101(A)(3) (neglect of a legal matter); 7-101(A)(1) (failure to seek lawful objectives by all proper means); and 7-101(A)(2) (failure to fulfill employment); and 7-101(A)(3) (causing client damage or prejudice to a client). The Board of Commissioners recommended that Respondent be given an indefinite suspension from the practice of law in Ohio.
- B. On or around June 17, 1992, the Supreme Court of Ohio in *Columbus Bar Association v. Gaba* (1992), 64 Ohio St. 3d 35, agreed that respondent violated the above cited Disciplinary Rules and respondent was indefinitely suspended from the practice of law in Ohio.

- C. On or around December 3, 1993 the Board of Commissioners of the Clients' Security Fund for the Supreme Court of Ohio found that Respondent engaged in dishonest conduct consisting of theft of escrow funds in the amount of \$2,668.92. *In Re Application of Elgee Electric Company v. Gaba*, CSF Claim No. 93-855.
- D. On or around December 3, 2002 the Supreme Court of Ohio in *In Re Resignation of Gaba*, 97 Ohio St. 3d 1224, accepted Respondent's resignation as an attorney with the designation disciplinary action pending. It was further ordered that respondent's certificate of admission to the bar of Ohio be cancelled and that his name be stricken from the roll of attorneys of this court.
- E. On or around April 8, 2003, the Supreme Court of Ohio in *Columbus Bar Assn. v. Gaba*, 98 Ohio St.3d 1521, 2003-Ohio-1775, found Respondent in contempt of its June 17, 1992 Order indefinitely suspending Respondent from the practice of law in Ohio. The Court sentenced Respondent to 30 days in jail with said sentence suspended on the condition that Respondent not practice law in the state of Ohio.

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

- 1. 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: Anthony D. Siciliano, 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 8<sup>th</sup> day of February 2006.

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**ROBERT M. GRIESER**

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