

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

In the matter of:)	Case No. M2006-9992851
)	
GARY L. BRAUN)	Notice of Intent to Deny Loan Officer License Application
333 Fuller Drive NE)	&
Warren, Ohio 44484)	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

GARY L. BRAUN ("Respondent") has applied to the Division for a loan officer license. His address of record is 333 Fuller Drive NE, Warren, Ohio 44484, and his date of birth is July 29, 1950. Respondent's employer of record is Your Mortgage Center, LLC, 1709 Niles-Cortland Road, Niles, Ohio 44446.

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. 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 6-101(A)(2) (handling a legal matter without proper preparation); 6-101(A)(3) (neglecting an entrusted legal matter); 7-101(A)(1) (failure to seek the lawful objectives of a client); and 7-101(A)(2) (failing to carry out a contract of employment for professional services); and 7-101(A)(3) (prejudicing or damaging a client during the course of a professional representation). The Board of Commissioners recommended that Respondent be suspended one year with six months stayed from the practice of law in Ohio.
- B. On or around September 20, 2000, the Supreme Court of Ohio in *Office of Disciplinary Counsel v. Braun* (2000), 90 Ohio St.3d 138, agreed that Respondent violated the above cited Disciplinary Rules and Respondent's law license was suspended one year with six months stayed.

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: Carrie V. Moore, 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 29th day of June 2006.

ROBERT M. GRIESER

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