

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

In the matter of:) Case No. 03-LO-D-104-105
)
THEODORE V. GAUMER) Notice of Intent to Deny Loan Officer License Application
6367 Piercefield Drive) &
Mayfield Heights, Ohio 44143) 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

THEODORE V. GAUMER ("Respondent") has applied to the Division for a loan officer license. His address of record is 6367 Piercefield Drive, Mayfield Heights, Ohio 44143, and his date of birth is October 17, 1957. Respondent's employer of record is Alternative National Mortgage Company, 1413 Golden Gate Blvd., Suite 270, Mayfield Heights, Ohio 44124.

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 a loan officer license.

BASIS FOR PROPOSED ACTION

The Division has conducted an investigation of Respondent, pursuant to R.C. 1322.031(B), and has found the following:

- I. In or around 1986, in the Shaker Heights Municipal Court, Cuyahoga County, Ohio, Respondent was convicted of RESISTING ARREST. (Case No. 86 CRB 02299)
- II. In or around 1991, in the Shaker Heights Municipal Court, Cuyahoga County, Ohio, Respondent was convicted of violating a term of his probation related to a conviction in or around 1990 for DECEPTION TO OBTAIN DANGEROUS DRUGS. (Case No. 90 CRB 05018)
- III. In or around 1991, in Lyndhurst Municipal Court, Cuyahoga County, Ohio, Respondent was convicted of THEFT. (Case No. 91 CRB 00302)
- IV. In or around 1991, in the Berea Municipal Court, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of ATTEMPTED BURGLARY. (Case No. 90 CRB 1160)
- V. In or around 1991, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a misdemeanor of the first degree. (Case No. CR-262183)

- VI. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offense of THEFT, a misdemeanor of the first degree. (Case No. CR-275483)
- VII. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offense of THEFT, a misdemeanor of the first degree. (Case No. CR-275615)
- VIII. In or around 1992, in the Willoughby Municipal Court, Lake County, Ohio, Respondent pleaded guilty to and was convicted of two counts of ATTEMPTED POSSESSION OF ILLEGAL DRUG DOCUMENTS, both misdemeanors of the first degree. (Case Nos. 92 CRB 01331 and 92 CRB 01332)
- IX. In or around 1994, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of the offense of DECEPTION TO OBTAIN DANGEROUS DRUGS. (Case No. CR-300713)
- X. In or around 2002, in the Lyndhurst Municipal Court, Cuyahoga County, Ohio Respondent was convicted of the offense of FALSIFICATION, a misdemeanor of the first degree. (Case No. 02 CRB 00114)
- XI. On or around April 19, 2002, Respondent attested in a sworn statement that information he provided on a licensing application was complete and truthful, knowing that the information he provided misrepresented his criminal background.
- XII. On or around April 24, 2002, Respondent provided untruthful and/or misleading information to the state of Ohio, Department of Commerce, Division of Financial Institutions.

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

- 1. Respondent has not proven that he is honest, truthful, and of good reputation, and that there is no basis in fact for believing that he will not commit another criminal offense involving theft, burglary, or any other criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
- 2. Respondent's character and general fitness do not command the confidence of the public and warrant the belief that his 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 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 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 statements required by state law[.]"
- 5. Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngagin[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: Amanda Axtell—Consumer Finance Counsel, 77 South High Street, 21st Floor, Columbus, Ohio 43215-6120.

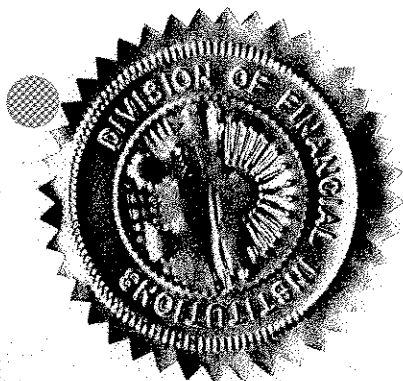
At the hearing, Respondent may appear in person, by Respondent's attorney, or by such other representative as is permitted to practice before the Agency, or Respondent may present its position, arguments, or contentions in writing, and, at the hearing, may present evidence and examine witnesses appearing 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 26th day of November, 2003.

ROBERT M. GRIESER

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



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