

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

In the matter of:

BRIAN K. MEIER
4111 Francis Avenue
Cincinnati, OH 45205

) Case No. 06-0157-LOD
)
) **DIVISION ORDER**
) **Denial of Loan Officer License Application**
) **&**
) **Notice of Appellate Rights**

Respondent, Brian K. Meier (“Respondent”), submitted a loan officer license application (“Application”) to the Division of Financial Institutions (“Division”) on January 13, 2005. On February 23, 2006, the Division notified Respondent that it intended to deny his Application because: (1) In or around 1983, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent was convicted of theft without consent, a misdemeanor of the first degree; (2) in or around 1983, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent was convicted of drug abuse, a misdemeanor of the third degree; (3) in or around 1983, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent was convicted of theft-beyond the scope of consent, a misdemeanor of the first degree; (4) in or around 1983, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent was convicted of receiving stolen property; (5) in or around 1986, in the Court of Common Pleas, Hamilton County, Ohio, Respondent was convicted of aggravated burglary, a felony of the first degree; (6) in or around 1987, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent pleaded guilty to and was convicted of three counts of passing bad checks, a misdemeanor of the first degree; (7) in or around 1998, in the Hamilton County Municipal Court, Hamilton County, Ohio, Respondent was convicted of domestic violence-knowingly, a misdemeanor of the fourth degree; (8) Respondent had 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, receiving stolen property, burglary, passing bad checks, or any criminal offense involving money or securities; (9) in 2005, Respondent attested in a sworn statement that information he provided about his criminal background in the Application was complete and truthful when it was not; (10) in 2005, in an attempt to obtain a loan officer license, Respondent provided untruthful information about his criminal background to the Division; (11)

he violated R.C. 1322.07(A) by making a substantial misrepresentation in the Application; (12) he violated R.C. 1322.07(B) by making a false statement of a material fact or by omitting a statement required by state law in the Application; (13) he violated R.C. 1322.07(C), which prohibits an applicant from engaging in improper or dishonest conduct; and (14) because his character and general fitness did 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. 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing, which was held on August 16, 2006. Respondent did not appear. A Report and Recommendation (“Report”) was filed with the Division on December 28, 2006, recommending that the Division deny Respondent’s application. No objections were filed.

In accordance with R.C. 119.09, the Division has considered the record, consisting of the Report, 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. (A copy of the Report is attached).

The Division disapproves paragraph 11 on page 6 of the Report. R.C. 1322.07(A), (B), and (C) do not require a deliberative act for their violation. In contrast to 1322.07(E) and (F), which contain language of intent by use of the term “knowingly,” R.C. 1322.07(A), (B), and (C) do not employ such language. (See *Shehabi v. Ohio Dept. of Comm.* (Feb. 26, 2007), Trumbull C.P. No 2006 CV 1930, unreported).

For the reasons stated above, the Division adopts the recommendation found on page 7 of the Report and hereby denies the loan officer license application of Brian K. Meier.

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 must, 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 24th day of April 2007.

RICHARD F. KECK

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