

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

In the matter of:)	Case No. 04-0253-LOD
)	
KEVIN D. BARCOMB)	Notice of Intent to Deny Loan Officer License Application
15032 Boston Road)	&
Strongsville, Ohio 44136)	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

KEVIN D. BARCOMB ("Respondent") has applied to the Division for a loan officer license. His address of record is 15032 Boston Road, Strongsville, Ohio 44136, and his date of birth is February 9, 1973. Respondent's employer of record is Wholesale Mortgage Group, Inc. 9700 Rockside Road, Suite 275, Valley View, Ohio 44125.

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'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:

1. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a felony of the fourth degree. (Case No. CR-283712)
2. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of PASSING BAD CHECKS, a misdemeanor of the first degree, and on one count of THEFT, a felony of the fourth degree. (Case No. CR-282539)
3. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of UNAUTHORIZED USE OF A MOTOR VEHICLE, a misdemeanor of the first degree. (Case No. CR-285232)
4. In or around 1992, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a felony of the fourth degree. (Case No. CR-284610)
5. In or around 1993, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on four counts. The counts are: one count of THEFT, a felony of the fourth degree; one count of RECEIVING STOLEN PROPERTY – MOTOR VEHICLE, a felony of the third degree; one count of FORGERY, a felony of the fourth degree; and one count of RECEIVING STOLEN PROPERTY, a felony of the fourth degree. (Case No. CR-287774)

6. In or around 1993, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of FORGERY, a felony of the fourth degree, and one count of THEFT, a felony of the fourth degree. (Case No. CR-288364)
7. In or around 1993, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on two counts of MISUSE OF CREDIT CARDS, both felonies of the fourth degree. (Case No. CR-292246)
8. In or around 1993, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on six counts, all felonies of the fourth degree. The counts are: one count of RECEIVING STOLEN PROPERTY; four counts of FORGERY; and one count THEFT. (Case No. CR-293004)
9. In or around 1993, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a felony of the fourth degree. (Case No. CR-297557)
10. In or around 1993, in the Court of Common Pleas, Lake County, Ohio, Respondent pleaded guilty to and was convicted on three counts. The counts are: one count of PASSING BAD CHECKS, a felony of the fourth degree; one count of RECEIVING STOLEN PROPERTY – AUTO, a felony of the third degree; and one count of RECEIVING STOLEN PROPERTY, a felony of the fourth degree. (Case No. 93-CR-000074)
11. In or around 1993, in the Court of Common Pleas, Lake County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a felony of the fourth degree. (Case No. 93-CR-000417)
12. In or around 1993, in the Court of Common Pleas, Lake County, Ohio, Respondent pleaded guilty to and was convicted on two counts of FORGERY and on one count of MISUSE OF A CREDIT CARD, all felonies of the fourth degree. (Case No. 93-CR-000302)
13. In or around 1995, in the Circuit Court of the Ninth Judicial Circuit, Osceola County, Florida, Respondent was convicted of BURGLARY OF A CONVEYANCE. (Case No. CR-94-1583)
14. In or around 1996, in the Circuit Court of the Ninth Judicial Circuit, Osceola County, Florida, Respondent was convicted of GRAND THEFT OF A MOTOR VEHICLE (THIRD DEGREE). (Case No. CR-95-1905)
15. In or around 1996, in the Circuit Court of the Ninth Judicial Circuit, Osceola County, Florida, Respondent was convicted of GRAND THEFT OF A MOTOR VEHICLE (THIRD DEGREE). (Case No. CR-96-115)
16. In or around 1996, in the Circuit Court of the Ninth Judicial Circuit, Osceola County, Florida, Respondent pleaded guilty to and was convicted of BURGLARY OF A DWELLING. (Case No. CR-96-196)
17. In or around 1996, in the Circuit Court of the Ninth Judicial Circuit, Osceola County, Florida, Respondent was found to have violated the conditions of his probation from Case No. CR-94-1583.
18. In or around 1997, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted of THEFT, a felony of the second degree. (Case No. CR-349797)

19. In or around 1997, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of THEFT and on one count of MISUSE OF A CREDIT CARD, both felonies of the fifth degree. (Case No. CR-349798)
20. In or around 2000, in the Shaker Heights Municipal Court, Cuyahoga County, Ohio, Respondent was convicted of ATTEMPTED PASSING BAD CHECKS. (99 CRB 01060)
21. In or around 2001, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of THEFT, a felony of the fifth degree, and on one count of FORGERY, a felony of the fourth degree. (Case No. CR-387330)
22. In or around 2001, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of GRAND THEFT, a felony of the fifth degree. (Case No. CR-392875)
23. In or around 2001, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of THEFT and on one count of FORGERY, both felonies of the fifth degree. (Case No. CR-392560)
24. In or around 2001, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of FORGERY and on one count of THEFT, both felonies of the fifth degree. (Case No. CR-386776)
25. In or around 2001, in the Court of Common Pleas, Cuyahoga County, Ohio, Respondent pleaded guilty to and was convicted on one count of PASSING BAD CHECKS and on one count of THEFT, both felonies of the fifth degree. (Case No. CR-386649)
26. On or around March 26, 2002, Respondent attested in a sworn statement that information he provided on a licensing application was complete, knowing that the information he provided was not full and frank.
27. On or around March 28, 2002, Respondent provided incomplete 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:

- I. 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, passing bad checks, forgery, or any criminal offense involving money or securities. See R.C. sections 1322.031(A)(2) and 1322.041(A)(3).
- II. 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).
- III. Respondent violated R.C. 1322.07(A), which prohibits a loan officer applicant from "omi[tting]...a material fact required by state law[.]"
- IV. 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 statement required by state law[.]"
- V. Respondent violated R.C. 1322.07(C), which prohibits a loan officer applicant from "[e]ngag[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: Mark L. Rhea, Consumer Finance Staff Attorney, 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 22nd day of January, 2004.

ROBERT M. GRIESER

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

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