

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

In the matter of:)	Case No. 04-0169-LOD
)	
SHANE MICHAEL NALEPA)	<u>DIVISION ORDER</u>
1065 Merriman Road)	
Akron, Ohio 44303)	Denial of Loan Officer License Application
)	

DIVISION ORDER

On August 19, 2002, Shane Michael Nalepa ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On January 22, 2004, the Division issued Respondent a notice of the Division's intent to deny Respondent's application, and notified Respondent of his right to a hearing on the matter. Respondent requested a hearing, and pursuant thereto, an administrative hearing was held in accordance with Ohio Revised Code Chapter 119 on March 4, 2004.

The hearing officer filed his written report and recommendation with the Division on May 6, 2004, recommending that the Division deny Respondent's application. A copy of the report and recommendation and a letter explaining Respondent's right to submit written objections to the report was served on Respondent. Respondent did not file objections.

In accordance with R.C. § 119.09, the Division has considered the Report and Recommendation, applicable laws, the transcript of testimony and the exhibits. As a result, the Division modifies and /or disapproves the findings and/or conclusions listed below. Any finding and/or conclusion not specifically addressed below is approved, adopted, and incorporated herein. (The Hearing Examiner's Report and Recommendation is attached hereto as Exhibit A.)

- The Division modifies paragraph 5 on page 2 of the Report and Recommendation.

Paragraph 5 on page 2 reads:

"The Respondent signed a certified mail receipt for that document. (Exhibit 6)"

"Kris Weber" signed the certified mail receipt for that document. Paragraph 5 on page 2 shall read, "Kris Weber signed a certified mail receipt for that document. (Exhibit 6)"

- The Division modifies the second paragraph 2 on page 2 of the Report and Recommendation.

The second paragraph 2 on page 2 and page 3 reads:

"Question 5 of the Application provides:

Have you, or has any company for which you have been an officer, or more than 5% owner or director ever been convicted of **any criminal offense** including, but not limited to, theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities? Exclude minor traffic and parking offenses. (DUIs and DWI's are criminal offenses.)

Yes ☐ No ☐

If yes, submit a detailed explanation of the facts and circumstances that give rise to each charge and a certified copy of the journal entry evidencing the disposition of each charge."

The question number 5 that was answered by Respondent in his application of August 19, 2002 reads differently than what is contained in the Report and Recommendation. (See Exhibit 1)

Hence, the second paragraph 5 on page 2 and 3 shall read:

"Question 5 of the application provides:

Have you or has any company for which you have been an officer, or more than 5% owner or director, ever been convicted of or pleaded guilty to any criminal offense including, but not limited to, theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities?

If the answer is yes, furnish details.

Yes ☐ No ☐

- The Division modifies paragraph 12 on page 6 of the Report and Recommendation to reflect that Respondent's Exhibit H is a letter dated February 19, 2004, not March 19, 2004.

Upon consideration of the hearing officer's report and recommendation, the Division confirms and approves the recommendation. Accordingly, Respondent's application for a loan officer license is hereby denied.

NOTICE OF RIGHT TO APPEAL

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 29th day of July 2005.

ROBERT M. GRIESER

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

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