

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

In the matter of:	)	Case No. 04-0066-LOD
	)	
<b>DENNIS M. FISHER</b>	)	<b><u>DIVISION ORDER</u></b>
7311 Possum Street	)	<b>Denial of loan officer license application</b>
Mount Vernon, Ohio 43050	)	&
_____	)	<b>Notice of Appellate Rights</b>

Respondent, Dennis M. Fisher, submitted a loan officer license application to the Division of Financial Institutions ("Division") on May 2, 2002. On January 22, 2004, the Division notified Fisher that it intended to deny his loan officer license application because: (1) he had been convicted of unauthorized use of property in 1991 and resisting arrest and disorderly conduct in 1993, and he 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 theft-type offense; (2) he violated R.C. § 1322.07(A) by failing to disclose his theft conviction on his loan officer license application; (3) he violated R.C. § 1322.07(B) by making a false statement of a material fact or by omitting a statement required on the licensing application; (4) he violated R.C. § 1322.07(C) by engaging in improper and dishonest conduct; and (5) because his character and general fitness did 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 R.C. §§ 1322.01 to 1322.12—the Ohio Mortgage Broker Act.

Fisher requested a hearing and an administrative hearing was held on May 27, 2004. A Report and Recommendation was filed with the Division on October 27, 2004, recommending that the Division deny Fisher's license application. No objections were filed.

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 disapproves, in part, Paragraph 13 on page 5 of the Report and Recommendation (hereinafter referred to as “R&R”) which states in relevant part:

The mens rea standard must be one of negligence – knew or should have known – in Respondent’s answering the questions on the license application. Respondent was responsible for knowing the true nature of the facts to which he was attesting and has not presented any facts suggesting it was not a negligent or deliberate act.

Making a substantial misrepresentation in a license application, regardless of one’s intent, is a violation of R.C. § 1322.07 (A). Making a false or misleading statement of a material fact or an omission of a statement required by Ohio law, regardless of one’s intent, is a violation of R.C. § 1322.07(B). Further, violating R.C. §§ 1322.07 (A) and (B) by failing to disclose one’s criminal background on a license application, constitutes improper and dishonest conduct in violation of R.C. § 1322.07(C).

Accordingly, the Division approves and adopts the hearing officer’s recommendation to deny Fisher’s May 2, 2002 license application.

The loan officer license application filed on May 2, 2002, by Dennis Fisher is hereby Denied.

### **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 14<sup>th</sup> day of March 2005.

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**ROBERT M. GRIESER**

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