

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

In the matter of:	)	Case No. 04-0267-LOD
	)	
<b>DAVID R. GORBY, JR.</b>	)	<b><u>DIVISION ORDER</u></b>
3218 F Dotwood Street NW	)	<b>Denial of Loan Officer License Application</b>
North Canton, OH 44720	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>
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Respondent, David R. Gorby, Jr. ("Respondent"), submitted a loan officer license application to the Division of Financial Institutions ("Division") on December 11, 2003. On February 13, 2004, the Division notified Respondent that it intended to deny his loan officer license application ("Application") because: (1) In or around 1996, in the Massillon Municipal Court of Stark County, Ohio he was convicted of driving under the influence and drug abuse; (2) in or around 1998, in the Massillon Municipal Court of Stark County, Ohio, he was convicted of fleeing and eluding; (3) in or around 1998, in the Massillon Municipal Court of Stark County, Ohio, he was convicted of two counts of assault; (4) in or around 2002, in the Massillon Municipal Court of Stark County, Ohio, he was convicted of driving around the influence; and (5) because 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 R.C. sections 1322.01 to 1322.12 of the Ohio Mortgage Broker Act.

Respondent requested an administrative hearing which was held on May 20, 2004. Respondent failed to appear. A Report and Recommendation ("Report") was filed with the Division on March 2, 2005, 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 and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. (The Hearing Examiner's Report and Recommendation is attached). Following its review of the record, the Division hereby adopts the hearing officer's recommendation and denies the loan officer license application of David R. Gorby, Jr..

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 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 7<sup>th</sup> day of September 2006.

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**ROBERT M. GRIESER**  
Deputy Superintendent for Consumer Finance  
Division of Financial Institutions  
Ohio Department of Commerce