

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

| | | |
|-------------------------|---|---|
| In the matter of: |) | Case No. M2008-460 |
| |) | |
| DAVID E. HICKMAN |) | ORDER OF SUMMARY SUSPENSION, |
| 1342 Orchard View Court |) | NOTICE OF INTENT TO DENY RENEWAL |
| Dayton, Ohio 45458 |) | & |
| |) | NOTICE OF HEARING |

DIVISION ORDER

WHEREAS, 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; and

WHEREAS, David E. Hickman ("Respondent") holds loan officer license number 005259 to engage in business as a loan officer pursuant to R.C. Chapter 1322. His address of record is 1342 Orchard View Court, Dayton, Ohio 45458, and his date of birth is January 10, 1946. Respondent's current employer of record is Highland Banc, Inc. whose main office is located at 5025 Arlington Centre Blvd. Suite 240, Columbus, OH 43220; and

WHEREAS, R.C. 1322.10(F)(1)(a) provides that the Division may, in the public interest, suspend, without a prior hearing, the license of a loan officer licensee who is convicted of or pleads guilty to a criminal violation of any criminal offense described in R.C. 1322.10(A)(1)(b); and

WHEREAS, in the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of Engaging in a Pattern of Corrupt Activity, a felony of the first degree.

WHEREAS, in the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of Complicity to Commit Aggravated Theft (by Deception), a felony of the third degree; and

WHEREAS, in the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of eight counts of Complicity to Commit Forgery, a felony of the fourth degree; and

WHEREAS, in the Court of Common Pleas, Montgomery County, Ohio, on or about October 1, 2008, Respondent was convicted of eight counts of Complicity to Commit Money Laundering, a felony of the third degree,

Pursuant to R.C. 1322.10(F)(1)(a), loan officer license number 005259 issued to Respondent is hereby **SUSPENDED**.

It is so ordered.

NOTICE OF INTENT TO DENY LOAN OFFICER LICENSE RENEWAL

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 renewal 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 the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of Engaging in a Pattern of Corrupt Activity, a felony of the first degree.
2. In the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of Complicity to Commit Aggravated Theft (by Deception), a felony of the third degree.
3. In the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of eight counts of Complicity to Commit Forgery, a felony of the fourth degree.
4. In the Court of Common Pleas, Montgomery County, Ohio, on or about October 16, 2008, Respondent was convicted of eight counts of Complicity to Commit Money Laundering, a felony of the third degree,

As a result of the findings listed above, the Division has determined that the Respondent has been convicted of a theft offense as described in R.C. 1322.031(A)(2), and, therefore, Respondent does not meet the requirements for renewal pursuant to R.C. 1322.041(A)(3) & (B)(3).

Respondent's actions, as listed above, show 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)(6).

Respondent does not meet the renewal requirements set forth in divisions (B)(2) and (A)(6) of R.C. 1322.041.

NOTICE OF HEARING

Therefore, pursuant to R.C. 1322.10(F)(1)(A), R.C. Chapter 119 and Section 1301:8-7-27 of the Ohio Administrative Code, Respondent is hereby notified that a hearing shall be held on **Friday, November 21, 2008** on the continuation or termination of the suspension imposed herein and on the Notice of Intent to Deny your Loan Officer License renewal application. Said hearing will be held in **Room 1910, located on the 19th Floor of the Vern Riffe Center for Government and the Arts, 77 South High Street in Columbus.**

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.

Signed and sealed this 29th day of October, 2008

LEIGH A. WILLIS

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