

1 STATE OF NEVADA
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:
6 ROBERT BARTUSIAK,
7 Respondent.

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10 FINAL ORDER

11 The State of Nevada, Department of Business and Industry, Division of Mortgage
12 Lending (hereinafter, the "DIVISION"), having served the Respondent, ROBERT
13 BARTUSIAK, (hereinafter, "RESPONDENT") on December 19, 2008, with its Notice of Intent
14 to Revoke Mortgage Agent License and Notice of Intent to Impose Fine and Notice of Right
15 to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by reference,
16 which notified RESPONDENT that a final order would issue in this matter unless, within
17 twenty (20) days of entry and receipt of said Order, RESPONDENT requested a hearing to
18 contest the charges against it, with said request to be made in writing, and;

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20 Said Order having been sent to RESPONDENT via certified mail and regular mail on
21 December 22, 2008, and certified mail being returned to the Division "unable to forward" on
22 December 30, 2008, and;

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24 RESPONDENT having failed to request a hearing in this matter, and good cause
25 appearing:

26 NOW, THEREFORE,

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3 **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670(3) and NRS 645B.750,
4 RESPONDENT'S mortgage agent license in the State of Nevada is **REVOKED**.

5 **IT IS FURTHER ORDERED** that, pursuant to NRS 645B.670, RESPONDENT will be
6 subject to the administrative fines, fees and/or costs as set forth in the original Order attached
7 hereto as Exhibit "1".

8 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
9 be paid in full within **thirty (30) days** of entry of the instant Order;

10 Dated this 15th day of April, 2009.

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13 **STATE OF NEVADA**
14 **DEPARTMENT OF BUSINESS AND INDUSTRY**
15 **DIVISION OF MORTGAGE LENDING**

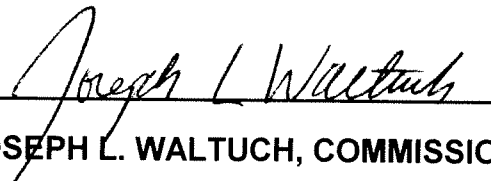
16 By: 
17 **JOSEPH L. WALTUCH, COMMISSIONER**
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EXHIBIT “1”

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

* * *

In re:
ROBERT BARTUSIAK,
Respondent.

**NOTICE OF INTENT TO REVOKE MORTGAGE AGENT
LICENSE, NOTICE OF INTENT TO IMPOSE FINE AND
NOTICE OF RIGHT TO REQUEST HEARING**

The licensing and regulation of mortgage brokers and mortgage agents in the State of Nevada is governed by Chapter 645B of the Nevada Revised Statutes (hereinafter, "NRS") and Chapter 645B of the Nevada Administrative Code (hereinafter, "NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the "DIVISION") has the general duty to exercise supervision and control over mortgage brokers and mortgage agents, as well as mortgage brokering activity. See, NRS 645B.060 (1), NRS 645B.690 (1) (a) and NRS 645B.670. Pursuant to that authority, the DIVISION makes the following Findings of Fact, Conclusions of Law, and Order as follows:

FACTUAL ALLEGATIONS

1. Upon information and belief, ROBERT BARTUSIAK (hereinafter, "RESPONDENT") was licensed to operate as a mortgage agent with Envision Lending Group, Inc. beginning June 9, 2008, in the State of Nevada. RESPONDENT'S mortgage agent license expired on July 24, 2008, for failure to renew and it is now listed as inactive in the Division's database. See, NRS 645B.430(1).

2. On August 1, 2008, the DIVISION received a Complaint alleging RESPONDENT originated and attempted to close a mortgage loan in Nevada (Moseley) with a different broker, LR Financial, LLC., dba Southern Nevada Mortgage, with whom he was not licensed

1 as either a mortgage agent or mortgage broker in Nevada.

2 3. After receiving the Complaint regarding RESPONDENT, the DIVISION
3 commenced an investigation, the results of which established RESPONDENT took the loan
4 application of the Moseley's, discussed rates with them, and attempted to close the loan in the
5 State of Nevada, while not possessing a license as required by NRS 645B.900.

6 4. Pursuant to NRS 645B.060, the DIVISION is charged with conducting "...such
7 investigations as may be necessary to determine whether any person has violated any provision
8 of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner."
9 See, NRS 645B.060 (2) (c).

10 5. Pursuant to NRS 645B.610, the DIVISION is further charged with investigating
11 "...each violation alleged in [a] complaint..." received by the DIVISION and "...shall determine
12 from the investigation whether there is reasonable cause to believe that the [accused]
13 committed the alleged violation..." See, NRS 645B.610 (1), (3).

14 6. Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a
15 natural person who... is an employee or independent contractor of a mortgage broker who is
16 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage broker
17 to engage in, on behalf of the mortgage broker, any activity that would require the person, if he
18 were not an employee or independent contractor of the mortgage broker, to be licensed as a
19 mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

20 7. Pursuant to NRS 645B.690, "...if a person offers or provides any of the services
21 of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself
22 out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at
23 the time... the person was required to have a license pursuant to this chapter and the person
24 did not have such a license... the Commissioner shall impose upon the person an
25 administrative fine of not more than \$10,000 for each violation and, if the person has a license,
26 the Commissioner shall revoke it..." See, NRS 645B.690 (1) (a).

27 8. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide any
28 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or

1 hold himself out as engaging in or carrying on the business of a mortgage broker or agent
2 without first obtaining the applicable license issued pursuant to this chapter..." See, NRS
3 645B.900.

4 **VIOLATIONS OF LAW**

5 1. Having investigated the RESPONDENT'S conduct in this matter and having
6 received competent evidence that RESPONDENT originated mortgage business in the State
7 of Nevada for a broker for whom RESPONDENT was not issued a license, it has been
8 determined that RESPONDENT did, in fact, engage in mortgage agent activity in the State of
9 Nevada without a license to do so, thereby violating NRS 645B.690(1)(a) and NRS 645B.900.

10 **ORDER**

11
12 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS 645B.750,
13 upon the timely filing of an application with the Division within **twenty (20) days** of the date of
14 this Order, RESPONDENT shall be entitled to a hearing with regard to the contents of this
15 Order. At that hearing, pursuant to NRS 645B.690(1)(a), the Division will seek:

16 a. To revoke RESPONDENT'S mortgage agent license for RESPONDENT'S
17 violations of NRS 645B.400 and NRS 645B.900;

18 b. The imposition of an administrative fine against RESPONDENT in the amount
19 of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) for RESPONDENT'S
20 violations of NRS Chapter 645B, as well as the Division's administrative costs of Seven
21 Hundred Eighty Dollars and No Cents (\$780.00) and attorney's fees, if any, incurred herein, to
22 be proven at the hearing; and
23

24 c. RESPONDENT'S payment, in full, of the administrative fine, costs and fees to
25 the Division within **thirty (30) days** of entry of the Final Order.

26 **////**

27 **////**

1 Should Respondent not request a hearing within **twenty (20) days** of the date of this
2 Order, the Division will enter a Final Order in this matter against RESPONDENT, as required by
3 NRS 645B.750(2).

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5 Dated this 19th day of December, 2008.

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8 **STATE OF NEVADA**
9 **DEPARTMENT OF BUSINESS AND INDUSTRY**
10 **DIVISION OF MORTGAGE LENDING**

11 By: 
12 **JOSEPH L. WALTUCH, COMMISSIONER**

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on December 22, 2008, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, NOTICE OF INTENT TO REVOKE MORTGAGE AGENT LICENSE AND NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for ROBERT BARTUSIAK, addressed as follows:

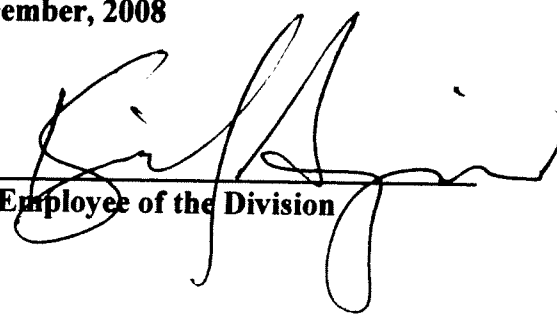
**Robert Barusiak
966 Medina De Leon
Las Vegas, NV 89015**

Certified Receipt Number: 7006 2760 0000 0867 2553

DATED this 22nd day of December, 2008

By:

Employee of the Division



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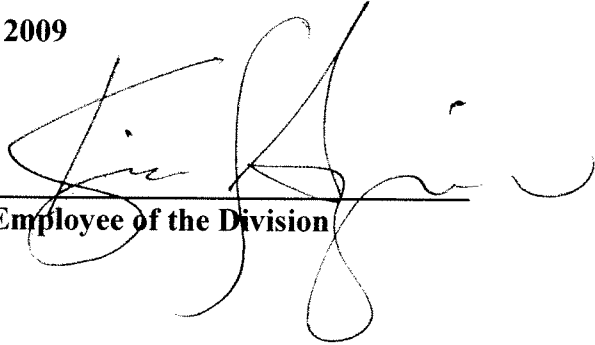
CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on April 16, 2009, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, FINAL ORDER for ROBERT BARTUSIAK, addressed as follows:

**Robert Bartusiak
966 Medina De Leon
Las Vegas, NV 89015**

Certified Receipt Number: 7006 2760 0000 0876 2629

DATED this 16th day of April, 2009

By: 
Employee of the Division