

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

4 * * *

5 In re:
6 ROBERT HOSTETLER,
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 HOSTETLER, (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 received by RESPONDENT on December 23, 2008, and;
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23 RESPONDENT having failed to request a hearing in this matter, and good cause
24 appearing:

25 NOW, THEREFORE,

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

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

7 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
8 be paid in full within **thirty (30) days** of entry of the instant Order;
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10 Dated this 15th day of April, 2009.

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

15 By: Joseph L. Waltuch
16 **JOSEPH L. WALTUCH, COMMISSIONER**
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EXHIBIT “1”

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

In re:

Robert Hostetler,
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 ("NRS") and Chapter 645B of the Nevada Administrative Code ("NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") has the general duty to exercise supervision and control over mortgage brokers and mortgage agents, as well as mortgage broker and mortgage agent activity. See, NRS 645B.060(1), NRS 645B.670 and NRS 645B.690. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

FACTUAL ALLEGATIONS

1. Robert Hostetler ("RESPONDENT") was issued a mortgage agent license pursuant to Chapter 645B of NRS on October 21, 2004. RESPONDENT'S mortgage agent's license expired on October 24, 2008, for failure to renew. See, NRS 645B.430 (1)(a).

2. On September 19, 2008, the Division received a complaint from Harvell 'Clay' Duncan ("DUNCAN") at Southern Fidelity Mortgage ("SFD") alleging that RESPONDENT had engaged in unlicensed mortgage agent activity by preparing and signing a letter on SFD letterhead stationary on August 9, 2008 indicating a borrower had been pre-approved for a loan. At the time RESPONDENT prepared this letter he was not licensed as a mortgage

1 agent with Southern Fidelity Mortgage having been terminated on May 13, 2008.

2 3. The Division investigated the complaint and RESPONDENT admitted he wrote a
3 pre-approval letter after his termination from SFD, in violation of NRS 645B.

4 4. Pursuant to NRS 645B.400, "(a) person shall not act as or provide any of the
5 services of a mortgage agent or otherwise engage in, carry on or hold himself out as
6 engaging in or carrying on the activities of a mortgage agent unless the person has a license
7 as a mortgage agent issued pursuant to NRS 645B.410." See, NRS 645B.400.

8 5. Pursuant to NRS 645B.900, unless a person is exempt from Chapter 645B of NRS
9 and complies with exemption requirements, "(i)t is unlawful for any person to offer or provide
10 any of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry
11 on or hold himself out as engaging in or carrying on the business of a mortgage broker or
12 mortgage agent without first obtaining the applicable license issued pursuant to this
13 chapter...." See, NRS 645B.900.

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

18 7. Pursuant to NRS 645B.610, the Division is also charged with investigating "...each
19 violation alleged in [a] complaint..." received by the Division and "...shall determine from the
20 investigation whether there is reasonable cause to believe that the person committed the
21 alleged violation...." See, NRS 645B.610(1), (3).

22 8. Pursuant to NRS 645B.060, the Division is further charged with conducting "...such
23 other investigations, periodic or special audits, investigations and hearings as may be
24 necessary for the efficient administration of the laws of this State regarding mortgage brokers
25 and mortgage agents...." See, NRS 645B.060(2)(e).

1 9. Pursuant to NRS 645B.690, "(i)f a person offers or provides any of the services of a
2 ...mortgage agent or otherwise engages in, carries on or holds himself out as engaging in or
3 carrying on the business of a...mortgage agent and, at the time...(t)he person was required to
4 have a license pursuant to this chapter and the person did not have such a license...the
5 Commissioner shall impose upon the person an administrative fine of not more than \$10,000
6 for each violation and if the person has a license, the Commissioner shall revoke it...." See,
7 NRS 645B.690(1)(a).

8 10. Pursuant to NRS 645B.670, "(f)or each violation committed by a mortgage agent,
9 the Commissioner may impose upon the mortgage agent an administrative fine of not more
10 than \$10,000, may suspend, revoke or place conditions upon his license, or may do both, if
11 the mortgage agent, whether or not acting as such...(h)as made a material misrepresentation
12 in connection with any transaction governed by this chapter...(h)as engaged in any other
13 conduct constituting a deceitful, fraudulent or dishonest business practice...(h)as violated any
14 provision of this chapter, a regulation adopted pursuant to this chapter or an order of the
15 Commissioner or has assisted or offered to assist another person to commit such a violation."
16 See, NRS 645B.670(3)(b), (h), (j).

17 VIOLATIONS OF LAW

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20 After investigating this matter, it has been determined that RESPONDENT engaged in
21 unlicensed mortgage agent activity on August 9, 2008, in violation of NRS 645B.400 and NRS
22 645B.900.

23 ORDER

24 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS 645B.750,
25 upon the timely filing of an application with the Division within **twenty (20) days** of the date of
26 this Order, RESPONDENT shall be entitled to a hearing with regard to the contents of this
27 Order. At that hearing, pursuant to NRS 645B.690(1)(a), the Division will seek:
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1 a. To revoke RESPONDENT'S mortgage agent license for RESPONDENT'S
2 violations of NRS 645B.400 and NRS 645B.900;

3 b. The imposition of an administrative fine against RESPONDENT in the amount
4 of One Thousand Dollars and No Cents (\$1,000.00) for RESPONDENT'S violations of NRS
5 Chapter 645B, as well as the Division's administrative costs of Four Hundred Twenty Dollars
6 and No Cents (\$420.00) and attorney's fees, if any, incurred herein, each to be proven at the
7 hearing; and

8 c. RESPONDENT'S payment, in full, of the administrative fine, costs and fees to
9 the Division within **thirty (30) days** of entry of the Final Order.
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11 Should RESPONDENT not request a hearing within **twenty (20) days** of the date of this
12 Order, the Division will enter a Final Order in this matter against RESPONDENT, as required by
13 NRS 645B.750(2).
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15 Dated this 19th day of December, 2008.
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17 **STATE OF NEVADA**
18 **DEPARTMENT OF BUSINESS AND INDUSTRY**
19 **DIVISION OF MORTGAGE LENDING**

20 By: 
21 **JOSEPH L. WALTUCH, COMMISSIONER**
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CERTIFICATE OF SERVICE

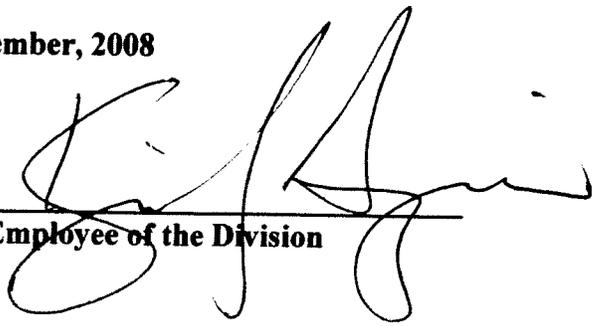
I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on December 22, 2008, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing,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

**Robert Hostetler
724 Anacapri street
Las Vegas, NV 80138**

Certified Receipt Number: 7006 2760 0000 0867 2560

DATED this 22nd day of December, 2008

**By: _____
Employee of the Division**



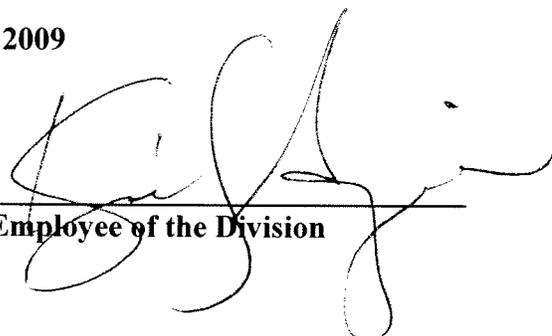
CERTIFICATE OF SERVICE

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 HOSTETLER, addressed as follows:

Robert Hostetler
724 Anacapri Street
Las Vegas, NV 80138

Certified Receipt Number: 7006 2760 0000 0876 2636

DATED this 16th day of April, 2009

By: 
Employee of the Division