STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

DIVISION OF MORTGAGE LENDING

In re:

Clearpoint LLC and
Carl Otto Nathaniel Holm,

Respondents.

NOTICE OF INTENT TO REVOKE INDEPENDENT LICENSEE COVERED SERVICE PROVIDER LICENSE AND NOTICE OF INTENT TO REVOKE ASSOCIATED LICENSEE LICENSE AND NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING

The licensing and regulation of loan modification consultants, foreclosure consultants and other persons providing 'covered services,' as defined in Nevada Revised Statutes ("NRS") 645F.310, in the State of Nevada is governed by Chapter 645F of NRS and is also governed by the permanent regulation R052-09 promulgated pursuant thereto (the "Regulation"). 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 covered service providers, foreclosure consultants and loan modification consultants. See Chapter 645F of NRS and the Regulation. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

FACTUAL ALLEGATIONS

1. Based upon information and belief, and at all relevant times herein mentioned, Clearpoint LLC ("Clearpoint") was and is a Nevada limited liability company with an office located at 6585 High Street, Suite 201, Las Vegas, Nevada 89113. Currently, Clearpoint's status with the Nevada Secretary of State is "active."

2. On approximately January 12, 2010, the Division issued Clearpoint an

independent licensee covered service provider license (License No. 3382). The Division currently classifies Clearpoint's license as "active."

3. Based upon information and belief, and at all relevant times herein mentioned, Carl Otto Nathaniel Holm ("Holm"), an individual, was the owner, officer, employee and manager of Clearpoint.

4. On approximately April 14, 2010, the Division issued Holm an associated licensee license (License No. 46791) as an employee of Clearpoint. The Division currently classifies Holm's license as "active licensed."

5. Clearpoint and Holm are hereinafter referred to individually as Respondent or collectively as Respondents, as the context requires.

6. Pursuant to Section 63(1) of the Regulation, "[i]n addition to the other duties imposed upon the Commissioner by law for the general supervision of licensees, the Commissioner will...[c]onduct an examination of each independent licensee doing business in this State within 3 months after the independent licensee commences business in this State and at least annually thereafter..."

7. Pursuant to Section 63(2) of the Regulation, "[f]or each...examination, a licensee shall pay a fee based on the rate established pursuant to NRS 645F.280 and section 64 of this regulation."

8. Pursuant to Section 63(1) of the Regulation, the Division commenced a regularly scheduled annual examination of Clearpoint on June 28, 2010, which was concluded on July 14, 2010.

9. Respondents have failed to pay the examination fees.

10. Pursuant to Section 103 of the Regulation, "[f]or each violation committed by a person who engages in an activity for which licensure as a covered service provider, foreclosure consultant or loan modification consultant is required under this chapter and

chapter 645F of NRS, without regard to whether the person is licensed under this chapter and chapter 645F of NRS, the Commissioner may impose upon the person an administrative fine of not more than $10,000, and if the person holds a license as a covered service provider, foreclosure consultant or loan modification consultant, the Commissioner may suspend, revoke or place conditions upon the person's license, or may do both, if the person... [d]oes not conduct business in accordance with law or has violated any provision of this chapter or chapter 645F of NRS or any order of the Commissioner;..." *See* Section 103(3)(a), (c), (d), and (n) of the Regulation.

VIOLATIONS OF LAW

Respondents have failed to pay Clearpoint's examination fees in violation of Section 103(3)(k) of the Regulation.

ORDER

NOW, THEREFORE, pursuant to Chapter 645F of NRS and Section 113(2) of the Regulation that upon written application to the Division within **twenty (20) days** of the date of this Order, Respondents, and each of them, shall be entitled to a hearing with regards to the contents of this Order. At that hearing the Division will seek:

1. The imposition of an administrative fine against Respondents, jointly and severally, in the amount of Two Thousand Five Hundred Dollars and No Cents ($2,500.00), payable to the Division on account of Respondents' violations of Chapter 645F of NRS and the Regulation, the Division's examination fees, including late charges, costs of investigation and collection, in the amount of Seven Thousand Eight Hundred Forty Seven Dollars and Sixty Six Cents ($7,847.66), as well as the Division's attorney's fees, if any, incurred herein, to be proven at the hearing; and

2. The revocation of each Respondent's license.

NOTICE TO RESPONDENTS: If you request a hearing, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through your counsel of choice at your own expense. At the hearing, if one is timely requested, the Division will call witnesses and present evidence against you. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any matter relevant to the issues involved.

All notices to the Division must be sent by U.S. Postal Service or private carrier or delivery service to:

Commissioner
Division of Mortgage Lending
7220 Bermuda Road, Suite A
Las Vegas, NV 89119

Should Respondents, or either of them, not timely request a hearing within **twenty (20) days** of the date of this Order; the Division will enter a Final Order in this matter against such Respondents, and each of them, as required by Section 113(2) of the Regulation.

The Division's Final Order will revoke each Respondent's license and will require payment by such Respondents, jointly and severally, of the administrative fine, examination fees, including late charges and collection costs, and the Division's attorney's fees within **thirty (30) days** of the entry of the Final Order.

Dated this 1st day of February, 2011.

State of Nevada
Department of Business and Industry
Division of Mortgage Lending

By: Joseph L Waltuch
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, February 2, 2011, 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 INDEPENDENT LICENSEE COVERED SERVICE PROVIDER LICENSE AND NOTICE OF INTENT TO REVOKE ASSOCIATED LICENSEE LICENSE AND NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for, CLEARPOINT LLC AND CARL OTTO NATHANIEL HOLM, addressed as follows:

Carl Otto Nathaniel Holm
Clearpoint LLC
3127 E. Warm Springs Road, Suite 100
Las Vegas, NV 89120

Certified Receipt Number: 7009 2250 0001 8861 0180

DATED this 2nd day of February 2011

By: Susan Slack
Employee of the Division