

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Department of Insurance and Financial Services

Enforcement Case No. 14-12253

Agency No. 15-024-M

Petitioner,

v

Robert Floyd Lucas, III

NMLS ID No. 951232

Respondent.

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Issued and entered
on August 6th, 2015
by **Randall S. Gregg**
Deputy Director

FINAL DECISION

I. Background

Robert Floyd Lucas, (hereinafter Respondent) was a licensed mortgage loan originator. Pursuant to the Michigan Mortgage Loan Originator Licensing Act (MLOLA), 2009 PA 75, as amended, MCL 493.131 *et seq.*, Respondent was required to pay a mortgage loan originator license renewal fee on or before December 31. A failure to timely pay triggers a daily penalty. The Department of Insurance and Financial Services (DIFS) received information that Respondent failed to pay the penalty assessed by DIFS for failure to timely pay the required renewal fee. After investigation and verification of the information, on February 3, 2015, DIFS issued a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent had provided justification for sanctions. No response was received.

On April 13, 2015, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent at the address required to be maintained via the Nationwide Mortgage Licensing System & Registry (NMLS). The Order for Hearing required Respondent to take one of the following actions within 21 days: (1) agree to a resolution of the case, (2) file a response to the allegations with a statement that Respondent planned to attend the hearing, or (3) request an adjournment. Respondent failed to take any of these actions.

On 6/15/2015, DIFS Staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. Findings of Fact and Conclusions of Law

1. Pursuant to Executive Order 2013-1 the Director has assumed the statutory authority and responsibility, granted to the Commissioner by the MLOLA, to exercise general supervision and control over mortgage loan originators conducting business in Michigan.
2. Respondent was previously licensed as a mortgage loan originator from August 29, 2012, through April 22, 2014, pursuant to the MLOLA.
3. Section 19(6) of the MLOLA, MCL 493.149(6), provides that a licensee who fails to pay a renewal fee on or before December 31st is subject to a penalty of \$25.00 per day for each day the fee is delinquent, or \$1,000.00, whichever is less.
4. Pursuant to Section 19(6) of the MLOLA, MCL 493.149(6), Respondent was required to pay the mortgage loan originator license renewal fee on or before December 31, 2013.
5. Respondent paid the mortgage loan originator license renewal fee on January 8, 2014, 8 days late. Consequently, Respondent is required to pay a penalty in the amount of \$200.00.
6. DIFS created and issued an invoice via the NMLS in the amount of \$200.00 on April 8, 2014, with a payment due date of May 8, 2014. To date, Respondent has not paid the penalty.
7. On February 3, 2015, a Notice of Opportunity to Show Compliance was mailed by first class mail to Respondent at the following address of record on file with DIFS through the NMLS:
. No response was received.
8. On April 13, 2015, true copies of an Administrative Complaint, Order for Hearing and Notice of Hearing were mailed by first class mail to Respondent at the following address of record on file with DIFS through the NMLS:
. No response was received.
9. DIFS Staff have made reasonable efforts to serve Respondent and have complied with the MLOLA.
10. Respondent has received notice and has been given an opportunity to respond and has not responded.
11. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

III. Order

Based upon the Respondent's conduct and the applicable law cited above, it is ordered that:

1. Pursuant to MCL 493.149(6), Respondent shall pay a penalty in the amount of **\$200.00**.

Patrick M. McPharlin, Director
For the Director:



Randall S. Gregg, Deputy Director