



Department of Banking and Finance

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Atlanta, Georgia 30341-5565

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Sonny Perdue
Governor

Robert M. Braswell
Commissioner

May 3, 2010

VIA REGULAR AND CERTIFIED MAIL – 91 7108 2133 3937 2218 4428

Fidelis Mitch Mutyambizi aka Eidelis Mutyambizi aka Mitch Mutyambizi
12911 SW 85th Street
Miami, Florida 33183

FILED

JUN 07 2010

GEORGIA DEPARTMENT OF
BANKING AND FINANCE

ORDER TO CEASE AND DESIST

Pursuant to O.C.G.A. §7-1-1018(a), the Georgia Department of Banking and Finance (“Department”) orders you, **Fidelis Mitch Mutyambizi aka Eidelis Mutyambizi aka Mitch Mutyambizi**, to cease and desist from engaging in activities that are in violation of the Georgia Residential Mortgage Act (“GRMA”). O.C.G.A. § 7-1-1000 *et seq.* On September 8, 2008, a previously issued Cease and Desist Order became final against you that prohibited you from being employed by a mortgage broker or lender for five years. O.C.G.A. § 7-1-1004(o). Despite this prohibition, an examination recently performed by the Department revealed that you engaged in residential mortgage broker or lending activities after September 8, 2008, under the employ of Nations Funding Source, Inc.

Georgia law prohibits a person from engaging in mortgage broker or lender activities unless that person is licensed by the Department or is acting within an applicable exemption. O.C.G.A. § 7-1-1002(a). There is an employee exemption to state licensing requirements. O.C.G.A. § 7-1-1001(a)(14). However, you do not qualify for the employee exemption because Georgia law provides that the exemption does not apply to anyone who is not in compliance with the provisions and prohibitions of O.C.G.A. § 7-1-1004.

This Order shall be final thirty days from the date of issuance. O.C.G.A. § 7-1-1018(a). However, within this thirty-day period you may provide the Department with documentation showing that you possess a license or qualify for an exemption. In the event that this Order becomes final, a licensed mortgage broker or mortgage lender will be prohibited from employing you for a period of five years to perform any functions governed by GRMA. O.C.G.A. § 7-1-1004. This restriction in no way prohibits you from engaging in business with a mortgage broker or mortgage lender that is not licensed or required to be licensed by this Department. Should you have any questions concerning this matter, please contact Felicia Faison-Holmes, Non-Depository Financial Institutions Division Attorney, at (770) 986-1648.

Rod Carnes, CFE

Deputy Commissioner

Non-Depository Financial Institutions Division