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## Department of Banking and Finance

2990 Brandywine Road, Suite 200

Atlanta, Georgia 30341-5565

Sonny Perdue  
Governor

770-986-1633  
[www.gadbf.org](http://www.gadbf.org)

Robert M. Braswell  
Commissioner

August 19, 2008

**VIA CERTIFIED MAIL – 7005 3110 0002 7569 3540**

Fidelis Mutyambizi, Owner  
Fidelity One Finance, LLC  
12911 SW 85<sup>th</sup> Street  
Miami, Florida 33183

### ORDER TO CEASE AND DESIST

Pursuant to O.C.G.A. § 7-1-1018(a), the Georgia Department of Banking and Finance ("Department") hereby orders you, Fidelis Mutyambizi, to cease and desist from engaging in activities in violation of the Georgia Residential Mortgage Act ("GRMA"), O.C.G.A. § 7-1-1000 *et seq.* Specifically, the Department has evidence showing that you, as the owner of Fidelity One Finance, LLC, made false statements and misrepresented material facts to lenders in violation of O.C.G.A. § 7-1-1013(1), (2) and (6); purposely withheld information requested by an examiner in violation of O.C.G.A. § 7-1-1013(11); operated an unapproved branch in violation of O.C.G.A. § 7-1-1006(f); failed to timely run background checks on all employees in violation of O.C.G.A. § 7-1-1004(e) and (f); failed to maintain a loan file for each mortgage loan transaction in violation of Department Rule 80-11-2-.04; failed to properly maintain a mortgage loan transaction journal in violation of Department Rule 80-11-2-.03; and transacted business in violation of O.C.G.A. § 7-1-1002(a) and (b) with persons who are unlicensed and unregistered, not exempt from licensing and registrations requirements and who are not employees of a mortgage broker or lender. Further, in violation of O.C.G.A. § 7-1-1002(c), you directly or indirectly controlled persons who violated O.C.G.A. § 7-1-1002(a) and (b).

Pursuant to the provisions of O.C.G.A. § 7-1-1018, you may request a hearing to contest this Order. This hearing, at which the Department will present its evidence and be represented by the Office of the Attorney General, will be before a judge of the Office of State Administrative Hearings. You may retain counsel of your choice. You may subpoena witnesses and documentary evidence.

The request for a hearing must be made in writing within twenty days of the date of this Order. Please be advised that if you do not request a hearing in writing within twenty days of the date of this Order, this Order shall become a final order. As a result, 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 the 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 Helen O'Leary, Non-Depository Financial Institutions Division Attorney at (770) 986-1648.

A handwritten signature in black ink, appearing to read "Rod Carnes", written over a horizontal line.

Rod Carnes, CFE  
Deputy Commissioner  
Non-Depository Financial Institutions Division