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8 BEFORE THE MONTANA DEPARTMENT OF ADMINISTRATION,
DIVISION OF BANKING AND FINANCIAL INSTITUTIONS
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10 STATE OF MONTANA, DEPARTMENT
OF ADMINISTRATION, DIVISION OF
11 BANKING AND FINANCIAL
INSTITUTIONS,
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13 Claimant,

14 v.

15 BRETT PATRICK STARR, an applicant
for a Mortgage Loan Originator license,
16 NMLS number 1436112,

17 Respondent.

Case No. M2017-28

**NOTICE OF PROPOSED
SUSPENSION OF LICENSE
AND OPPORTUNITY FOR
ADMINISTRATIVE
HEARING**

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19 TO: BRETT PATRICK STARR
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22 The Montana Division of Banking and Financial Institutions (Division),
pursuant to the authority granted by the Montana Mortgage Act (Act), Mont. Code
23 Ann. § 32-9-101 et seq., hereby issues this Notice of Proposed Suspension of License
24 and Opportunity for Administrative Hearing.

25 **PARTIES, JURISDICTION, AND VENUE**

26 1. The Division is the agency charged with licensing, examining, and
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1 regulating mortgage brokers, mortgage lenders, mortgage servicers, and mortgage
2 loan originators.

3 2. BRETT PATRICK STARR (Respondent) is licensed as a Mortgage
4 Loan Originator in Montana. Respondent's Nationwide Multistate Licensing
5 System (NMLS) number is 1436112.

6 3. Pursuant to Mont. Code Ann. §§ 32-9-102, 32-9-126, and 32-9-133,
7 this administrative tribunal has personal jurisdiction over the Respondent because
8 the Respondent is licensed as a mortgage loan originator in this state.

9 4. Pursuant to Mont. Code Ann. §§ 32-9-102, 32-9-126 and 32-9-133,
10 the Division has jurisdiction over the subject matter of this action and is authorized
11 to bring this action against Respondent for a violation of the Act.

12 5. Venue is appropriate at the location set by the Division pursuant to
13 Mont. Code Ann. § 2-4-611. Hearings are typically held in Helena, Lewis and
14 Clark County, Montana, where the Division's main office is located.

15 **FACT ASSERTIONS**

16 1. The facts asserted herein describe the acts or practices engaged in by
17 the Respondent that constitute a violation of the Act.

18 2. Respondent was approved for a Montana mortgage loan originator
19 license on July 21, 2017.

20 3. On May 1, 2017, a credit report, ordered through the NMLS, reflected
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22 4. On June 27, 2017, the Respondent entered into an Agreement of
23 Conditional Mortgage Loan Originator License and Consent to Entry of Agreement
24 (Agreement) with the Division.

25 5. The Agreement states, in part, as follows:
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- 1 a. Respondent will provide the Division with an updated credit report
2 through the NMLS every six months beginning November 1, 2017; and
- 3 b. Respondent agrees to provide proof of consistent monthly payments to
4 [REDACTED] every six months beginning November 1, 2017; and
- 5 c. Respondent agrees to provide proof of consistent monthly payments to
6 [REDACTED] every six months beginning November 1, 2017.
- 7 6. The Division made attempts to contact Respondent to collect the
8 information required by the Agreement. The Division contacted Respondent via
9 email November 2, 2017, and December 26, 2017, and by placing a license item on
10 their NMLS record on January 18, 2018.
- 11 7. Respondent did not respond to the Division nor submit the
12 requirements of the Agreement.

13 CONCLUSIONS OF LAW

- 14 1. The Division has jurisdiction over this matter and over the Respondent
15 pursuant to Mont. Code Ann. §§ 32-9-102, 32-9-126, and 32-9-133.
- 16 2. Respondent is licensed as a mortgage loan originator under Mont.
17 Code Ann. §§ 32-9-120, 32-9-126, and 32-9-165.
- 18 3. On June 27, 2017, the Agreement was executed between the
19 Respondent and the Division.
- 20 4. The Division made attempts to contact the Respondent to collect the
21 items and information required by the Agreement. The Division's contacts were
22 made via email on November 2, 2017 and December 26, 2017, and by placing a
23 license item on their NMLS record on January 18, 2018.
- 24 5. The Respondent did not respond to the Division nor submit the
25 requirements of the Agreement.
- 26 6. Pursuant to Admin. R. Mont. 2.59.1742(4)(a), a license may be
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1 suspended when the licensee has not responded to the Division's request for
2 information.

3 7. Respondent has not complied with the requirements of the Agreement.

4 **PROPOSED AGENCY ACTION**

5 The Division proposes to suspend the Respondent's mortgage loan originator
6 license in Montana.

7 **NOTICE OF OPPORTUNITY FOR HEARING**

8 Notice is hereby given that pursuant to Mont. Code Ann. § 32-9-133, the
9 Respondent has a right to an administrative hearing as provided in the Montana
10 Administrative Procedures Act (Title 2, Chapter 4, Part 6 of the Montana Code
11 Annotated) to contest the Division's proposed agency action. Respondent has the
12 right to be represented by counsel at the hearing and related proceedings. To
13 exercise the right to a hearing Respondent must make a timely written request for
14 hearing within 14 days of receipt of this Notice and mail or deliver the request to:

15 Banking and Financial Institutions Division
16 301 South Park, Room 316
17 P.O. Box 200546
18 Helena, MT 59620-0546

19 **POSSIBILITY OF DEFAULT**

20 Failure to make a written request for hearing within 14 days of receipt of this
21 Notice or to otherwise timely defend as provided by law may result in entry of
22 Respondent's default without further prior notice and a Final Order shall thereafter
23 issue providing for such relief and imposing such penalties as are appropriate and
24 authorized by Mont. Code Ann. §§ 32-9-126 and 32-9-133.


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The Division will post a copy of any final order or decision in this matter to the NMLS under regulatory actions which will be viewable by regulators and the public.

DATED 16th day of March, 2018.

By: 

Don E. Harris
Legal Counsel
Montana Division of Banking and
Financial Institutions

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2018, the undersigned caused a true and accurate copy of the foregoing Notice of Proposed Suspension of License and Opportunity for Administrative Hearing to be mailed by U.S. Certified Mail # [REDACTED]

[REDACTED] to:

BRETT PATRICK STARR

[REDACTED]
[REDACTED]

[REDACTED]

Heather K. Hardman

3/16/18
Date

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

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For delivery information visit our website at www.usps.com®

OFFICIAL USE

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	Certified Fee	3.45
	Return Receipt Fee (Endorsement Required)	2.75
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 620 688



Sent To

BRETT STARR

Street, Apt. No.;
or PO Box No.

City, State, ZIP+4