

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2
3 In the Matter of the Mortgage Broker License of:

No. 08F-BD065-BNK

4 **COUNTRY WELLS HOME LOANS, LLC,**
5 **and GEORGE P. TUITA, OWNER,**
6 6349 W. El Cortez Place
7 Glendale, Arizona 85310

CONSENT ORDER

8
9 Respondents.

10 On June 5, 2008, the Arizona Department of Financial Institutions (“Department”)
11 issued an Order of Summary Suspension and Notice of Hearing to Revoke, alleging that
12 Respondent had violated Arizona law. Wishing to resolve this matter in lieu of an
13 administrative hearing, Respondent admits to the following Findings of Fact and Conclusions of
14 Law, and consents to the entry of the following Order.

15 **FINDINGS OF FACT**

16 1. Respondent Country Wells Home Loans, LLC, (“Country Wells”) is an Arizona
17 corporation authorized to transact business in Arizona as a mortgage broker, license number MB
18 0909114, within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of Country Wells’ business
19 is that of making, negotiating, or offering to make or negotiate loans secured by Arizona real
20 property, within the meaning of A.R.S. § 6-901(6).

21 2. Respondent George P. Tuita (“Mr. Tuita”) is the only member and one hundred
22 percent (100%) owner of Country Wells. Mr. Tuita is authorized to transact business in Arizona
23 as a mortgage broker within the meaning of A.R.S. § 6-903(E).

24 3. Country Wells, before conducting business as a mortgage broker, is required to
25 have a surety bond, deposited with the Superintendent, pursuant to A.R.S. § 6-903(G), in the
26 required amount pursuant to A.R.S. § 6-903(H).

...

1 4. On February 12, 2008, the Department received a Notice of Cancellation/Non-
2 Renewal from CNA Surety, stating that Country Wells' surety bond, number 70228296, in the
3 amount of fifteen thousand dollars (\$15,000.00), is cancelled, effective March 21, 2008.

4 5. On February 13, 2008, the Department sent a letter via certified mail to Country
5 Wells, informing them of the bond cancellation. The letter was addressed to Country Wells
6 Home Loans, LLC, ATTN: George P. Tuita, it was signed for upon receipt, however the
7 signature is illegible. The receipt for the certified letter was not dated, however, the Department
8 received the return receipt from the United States Postal Service on February 19, 2008.

9 6. The Department also contacted Mr. Tuita by email, to inform him of Country
10 Wells' statutory obligation to replace the cancelled bond and the steps required to maintain its
11 mortgage broker license in good standing.

12 7. Country Wells failed to provide documentation of a new surety bond, or to
13 respond to any of the Department's requests.

14 8. The mortgage broker license of Country Wells is suspended, effective as of June
15 4, 2008.

16 9. Country Wells does not have the required surety bond in order to conduct
17 business as a mortgage broker.

18 10. The conduct described above constitutes an immediate threat to the public health,
19 safety, and welfare, warranting immediate suspension of Respondents' mortgage broker license
20 because Respondents are able to conduct business in Arizona as a licensed mortgage broker and
21 they do not have the required surety bond.

22 11. The conduct described above constitutes grounds for revocation of Respondents'
23 mortgage broker license.

24 **CONCLUSIONS OF LAW**

25 A. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and
26 duty to regulate all persons engaged in the mortgage broker business and with the enforcement

1 of statutes, rules, and regulations relating to mortgage brokers.

2 B. By the conduct set forth above in the Complaint, Country Wells and Mr. Tuita
3 violated A.R.S. § 6-903(G) by failing to maintain the required surety bond.

4 C. Respondents have not conducted business in accordance with the law and
5 violated Title 6, Chapter 9 and the rules relating to this chapter, which are grounds for the
6 suspension or revocation of Respondents' license pursuant to A.R.S. § 6-905(A)(3).

7 D. The violations, set forth above, constitute grounds for the pursuit of any other
8 remedy necessary or proper for the enforcement of statutes and rules regulating mortgage
9 brokers in Arizona pursuant to A.R.S. §§ 6-123 and 6-131.


10 E. Pursuant to A.R.S. § 6-132, Respondents' violations of the aforementioned
11 statutes are grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for
12 each violation for each day.

13 **ORDER**

14 1. Mortgage Broker License, No. MB 0909114, issued in the name of Country
15 Wells Home Loans, LLC, is hereby immediately revoked and shall immediately be surrendered
16 to the Department upon execution of this Consent Order.

17 2. The provisions of this Order shall be binding upon Country Wells and Mr. Tuita,
18 and their employees, agents, and other persons participating in the conduct of the affairs of
19 Country Wells.

20 SO ORDERED this 7 day of August, 2008

21 By: 
22 Felecia Rotellini, Superintendent of Financial Institutions
23 By Robert D. Charlton, Assistant Superintendent of Financial
24 Institutions

25 **CONSENT TO ENTRY OF ORDER**

26 1. Respondents acknowledges that it has been served with a copy of the foregoing
Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, has read the

1 same, is aware of its right to an administrative hearing in this matter, and has waived the same.

2 2. Respondent admits the jurisdiction of the Superintendent and consents to the entry
3 of the foregoing Findings of Fact, Conclusions of Law, and Order.

4 3. Respondent states that no promise of any kind or nature has been made to induce
5 it to consent to the entry of this Order, and that it has done so voluntarily.


6 4. Respondent agrees to cease from engaging in the violative conduct set forth above
7 in the Findings of Fact and Conclusions of Law.

8 5. Respondent acknowledges that the acceptance of this Agreement by the
9 Superintendent is solely to settle this matter and does not preclude this Department, any other
10 agency or officer of this state or subdivision thereof from instituting other proceedings as may be
11 appropriate now or in the future.

12 6. George P. Tuita, on behalf of Country Wells Home Loans, LLC, and himself
13 represents that he is the President, and that, as such, has been authorized by Country Wells Home
14 Loans, LLC, to consent to the entry of this Order on its behalf.

15 7. Respondent waives all rights to seek judicial review or otherwise to challenge or
16 contest the validity of this Order.

17 DATED this 27 day of July, 2008.

18
19 By 
20 George P. Tuita, President
21 Country Wells Home Loans, LLC
and Individually

22 ORIGINAL of the foregoing filed this 7th
23 day of August, 2008, in the office of:

24 Felecia Rotellini
25 Superintendent of Financial Institutions
26 Arizona Department of Financial Institutions
ATTN: Susan Longo
2310 N. 44th Street, Suite 310
Phoenix, Arizona 85018

1 COPY mailed/delivered same date to:

2 Robert D. Charlton, Assistant Superintendent
3 Richard Fergus, Division Manager Licensing
4 Arizona Department of Financial Institutions
5 2910 N. 44th Street, Suite 310
6 Phoenix, Arizona 85018

7 AND COPY MAILED SAME DATE, by
8 Certified Mail, Return Receipt Requested to:

9 Country Wells Home Loans, LLC
10 ATTN: George P. Tuita, Responsible Individual
11 6349 W. El Cortez Place
12 Glendale, Arizona 85310

13
14
15
16
17
18
19
20
21
22
23
24
25
26
By: *Ausan Lopez*

249517