

DIVISION OF FINANCIAL INSTITUTIONS

STATE OF WEST VIRGINIA

In the Matter of:

MARK BUSACK, (NMLS# 201429) West Virginia License LO-10042, a licensed mortgage loan originator and MAJOR SAVINGS, INC. dba A PLUS FAMILY HOME MORTGAGE, (NMLS# 280340) West Virginia License MB-20287, a licensed mortgage broker.

Case No. 13-LO-01 and Case No. 13-MB-01

ORDER TO CEASE AND DESIST AND REVOCATION OF LICENSES

On this day the above-referenced matter was brought before me, Sara M. Cline, Commissioner of Financial Institutions for the State of West Virginia, for review of the mortgage broker license of Major Savings, Inc. dba A Plus Family Home Mortgage and the mortgage loan originator license of Mark Busack. Upon a review of the records and documents on file in the Office of the West Virginia Division of Financial Institutions, together with the materials submitted to me by the staff of the West Virginia Division of Financial Institutions, I hereby make the following findings:

1. Mark Busack is a licensed mortgage loan originator sponsored by Major Savings, Inc. dba A Plus Family Home Mortgage, a licensed mortgage broker, located at 260 C Bethany Pike, Wheeling, West Virginia 26003. Mr. Busack is the President of Major Savings, Inc. dba A Plus Family Home Mortgage.

2. Based on a series of complaints recently received by the Division of Financial Institutions from consumers and from other interested parties alleging potential fraud and other dishonest mortgage lending and brokering activities on the part of Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage, the Division of Financial Institutions initiated an investigation into the mortgage loan activities of Mr. Busack and his company.

3. The investigation has revealed a pattern and practice of a number of deceptive and dishonest activities with regard to the brokering of residential mortgage loans.

4. The investigation has revealed violations of various sections of the West Virginia Code which the Division is responsible for enforcing including but not limited to W.Va. Code §31-17-8 of the West Virginia Mortgage Lender, Broker and Servicer Act, W.Va. Code §31-17A-16 of the West Virginia Safe Mortgage Licensing Act, and W.Va. Code §§46A-2-127 and -128 of the West Virginia Consumer Credit and Protection Act.

5. On or about June 17, 2013 “Borrower” applied to Major Savings, Inc. dba A Plus Family Home Mortgage and Mr. Busack for a \$40,000 loan to purchase a home in Wheeling. According to the application, the purchase price of the home was \$50,000, with estimated closing costs of \$3,433.75 and estimated prepaid items totaling \$965.

6. Borrower subsequently discovered that between June 18, 2013, and July 14, 2013, his Discover credit card had 12 charges against it totaling \$16,327.50 from “That’s Italian Specialty Wheeling WV” a company that is also owned by Mr. Busack. Borrower also discovered that between June 24, 2013, and July 8, 2013, his Chase Visa card had 20 charges against it from “That’s Italian Specialty Wheeling WV” totaling \$17,876.50.

7. The amount of the charges imposed on Borrower's credit cards were neither authorized by Borrower nor disclosed to the Borrower by Mr. Busack. Furthermore, the charges bear no rational relationship to the mortgage loan application or any of the standard charges or fees associated with a mortgage loan application or origination. Finally, the Borrower's loan application file maintained by Mr. Busack was devoid of any documentation of the subject credit card charges or any invoices for any services related to the mortgage loan origination or any documentary evidence that the charges were associated with the mortgage loan application in any way.

8. Pursuant to W.Va. Code §31-17-8(m)(1), "[i]n making any primary or subordinate mortgage loan, no licensee may, and no primary or subordinate mortgage lending transaction may, contain terms which: (1) Collect a fee not disclosed to the borrower;..."

9. Pursuant to W.Va. Code §31-17A-16, with regard to mortgage loan originators:

"It is a violation of this article for a person or individual subject to this article to:

- (1) Directly or indirectly employ any scheme, device or artifice to defraud or mislead borrowers or lenders or to defraud any person.
- (2) Engage in any unfair or deceptive practice toward any person.
- (3) Obtain property by fraud or misrepresentation.
- ...
- (7) Fail to make disclosures as required by this article and any other applicable state or federal law including rules and regulations thereunder.
- (8) Fail to comply with this article or rules promulgated under this article, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this article.
- (9) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising.
- ...
- (12) Collect, charge, attempt to collect or charge or use or propose any agreement purporting to collect or charge any fee prohibited by this article.

...
(14) Fail to truthfully account for moneys belonging to a party to a residential mortgage loan transaction.”

10. Regarding licensed mortgage brokers, W.Va. Code §31-17-12(a) provides in relevant part that:

“[t]he Commissioner may suspend or revoke any broker or lender license issued hereunder if he or she finds that the licensee or any owner, director, officer, member, partner, stockholder, employer or agent of the licensee:

(1) Has knowingly violated any provision of this article or any order, decision or rule of the Commissioner lawfully made pursuant to the authority of this article;

...
(6) Has committed any fraud or engaged in any dishonest activities with respect to any mortgage loan business in this state or failed to disclose any of the material particulars of any mortgage loan transaction in this state to anyone entitled to the information.”

11. Regarding mortgage loan originators, W.Va. Code §31-17A-12 provides that “(a) [t]o ensure the effective supervision and enforcement of this article, the commissioner may: (1) Deny, suspend, revoke, condition or decline to renew a license issued under this article for a violation of this article or rules or order or directive entered under this article;”

12. Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage are “debt collectors” engaging in “debt collection” for a “claim” as those terms are defined at W.Va. Code §46A-2-122.

13. The actions of Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage with regard to the use of Borrower’s credit cards are fraudulent, deceptive and misleading representations in debt collection practices in violation of W.Va. Code §46A-2-127.

14. The actions of Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage with regard to the use of Borrower's credit cards are unfair or unconscionable means of debt collection in violation of W.Va. Code §46A-2-128(d).

15. The Division's investigation has revealed a pattern and practice of fraudulent, deceptive and misleading representations on the part of Mr. Busack and a pattern and practice of making unauthorized, undisclosed, excessive and legally prohibited charges on the credit cards of a number of his mortgage loan clients.

16. Agency staff have conducted an inspection of the A Plus Family Home Mortgage premises including the record retention systems and facilities and have identified serious compliance concerns relating to the record retention requirements contained in West Virginia Code §31-17-11. Examiners have identified serious issues with regard to the organization, maintenance, safety and security of the mortgage loan records as well as the financial records relating to transactional accounting and the operating condition of the licensed brokerage.

17. Based upon the serious violations of West Virginia law and the ongoing risk of significant harm to West Virginia consumers should the mortgage brokering activities in question be permitted to continue, all mortgage brokering activities of Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage must cease immediately and the licenses issued to Mark Busack and to Major Savings, Inc. dba A Plus Family Home Mortgage must be revoked immediately.

THEREFORE, pursuant to the authority granted to me by W.Va. Code

§ 31-17-12, I hereby **REVOKE** West Virginia License LO-10042 (NMLS# 201429) of Mark Busack and West Virginia License MB-20287 (NMLS# 280340) of Major Savings, Inc. dba A Plus Family Home Mortgage.

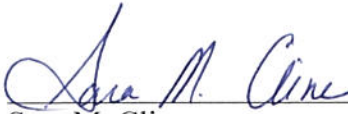
IT IS FURTHER ORDERED that Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage **CEASE AND DESIST** immediately from originating or brokering any residential mortgage loans in West Virginia.

IT IS FURTHER ORDERED that Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage **REIMBURSE** any and all unauthorized or undisclosed credit card charges to any and all West Virginia consumers with whom Mr. Busack has transacted any business in his capacity as a licensed mortgage loan originator.

IT IS FURTHER ORDERED that Mark Busack and Major Savings, Inc. dba A Plus Family Home Mortgage pay a civil administrative penalty in the amount of forty eight thousand, five hundred dollars (\$48,500.00) in accordance with West Virginia Code §31-17-12(d).

IT IS FURTHER ORDERED that the provisions of this Order shall be entered into the Nationwide Mortgage Licensing System and Registry.

Entered: August 27, 2013



Sara M. Cline
Commissioner of Financial Institutions

NOTICE OF RIGHT TO APPEAL

Major Savings, Inc. dba A Plus Family Home Mortgage is hereby notified that pursuant to W.Va. Code §31-17-14, any person who is adversely affected by an order made and entered by the Commissioner of Financial Institutions under W.Va. Code §31-17-13 shall be entitled to a hearing thereon before the Commissioner or a hearing examiner appointed by the Commissioner to conduct the hearing and prepare a recommended decision, if such person files with the Commissioner a written demand for a hearing within thirty (30) days of receipt of this Order. If a timely appeal is filed, the provisions of this order shall be stayed or suspended pending final determination on the appeal.

Mark Busack is hereby notified that pursuant to W.Va. Code §31-17A-11, a mortgage loan originator may challenge information entered into the Nationwide Mortgage Licensing System and Registry by filing with the Commissioner a written demand for a hearing within thirty (30) days of receipt of this Order.

If a hearing is requested, it will be closed to the public pursuant to W.Va. Code §6-9A-4(b)(4) unless Mark Busack or Major Savings, Inc. dba A Plus Family Home Mortgage requests an open meeting.

Any written demand for a hearing should be filed with the Commissioner of Financial Institutions addressed to: Sara M. Cline, Commissioner of Financial Institutions, West Virginia Division of Financial institutions, 900 Pennsylvania Avenue, Suite 306, Charleston, WV 25302