

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF MORTGAGE LENDING

Before the Commissioner of the Division of Mortgage Lending

In the Matter of: )  
)  
ALL WESTERN MORTGAGE, INC. )  
Mortgage Broker License No. 204, )  
NMLS ID Nos. 14210 & 1166050, )  
)  
and )  
)  
CHRISTOPHER DALE BIAGGI, )  
President, Sole Shareholder & Qualified Employee, )  
Mortgage Agent License No. 38, )  
NMLS ID No. 30066, )  
)  
Respondents. )

Order No. 2015-002  
Case No. 2015-002

CONSENT ORDER REQUIRING COMPLIANCE,  
IMPOSING CONDITIONS UPON MORTGAGE BROKER LICENSES,  
IMPOSING AN ADMINISTRATIVE FINE AND ASSESSING INVESTIGATIVE COSTS

Issued and Entered,  
This 10<sup>th</sup> day of September, 2015,  
By James Westrin,  
Commissioner

The Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") is statutorily charged with the responsibility and authority to administer and enforce Chapter 645B of the Nevada Revised Statutes, NRS 645B.010 *et seq.*, (the "NRS"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (the "NAC") (collectively, the "Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

The Commissioner having been vested with general supervisory power and control and administrative enforcement authority over all mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to the Act; and,

1 On or about January 13, 2004, ALL WESTERN MORTGAGE, INC. ("ALL WESTERN") was  
2 granted a mortgage broker license (MLD License No. 402, NMLS ID 14210) to operate its principal office  
3 located at 8345 W. Sunset Rd., Suite #380, Las Vegas, Nevada, 89113 (the "Sunset Office"); and,

4 On or about June 3, 2014, ALL WESTERN was granted a mortgage broker license (MLD No. 402,  
5 NMLS ID 1166050) to operate a branch office located at 5595 Kietzke Lane, Suite #116, Reno, Nevada,  
6 89511 (the "Reno Office"); and,

7 ALL WESTERN is licensed under and authorized to conduct business under the Act in the name  
8 "All Western Mortgage, Inc."; and,

9 CHRISTOPHER DALE BIAGGI ("BIAGGI") is a licensed mortgage agent (MLD License No. 38,  
10 NMLS ID 30066), is the sole officer, director and shareholder of ALL WESTERN, and also serves as the  
11 Qualified Employee of ALL WESTERN at its Sunset Office; and,

12 Based upon the results of an investigation of ALL WESTERN and BIAGGI (collectively  
13 hereinafter, "RESPONDENTS") and a review of the files and records of the Division of Mortgage  
14 Lending (the "Division"), the Commissioner has determined that RESPONDENTS failed to comply  
15 with requirements of the Act. Namely, the investigation revealed that contrary to the requirements of  
16 NRS 645B.035(1)-(2), NAC 645B.037(2), and NRS 645B.670(1)(b)(3), RESPONDENTS advertised  
17 ALL WESTERN'S services through the use of an unapproved and unlicensed fictitious name, and  
18 contrary to the requirements of NRS 645B.460 and NRS 645B.670.1(b)(3), RESPONDENTS failed to  
19 supervise and control their mortgage agents and Reno Office to ensure the mortgage agents and Reno  
20 Office were operating in compliance with the Act; and while the investigation indicated that the  
21 fictitious name may have been licensed in California and while nothing in the investigation disclosed  
22 that any services were provided under the fictitious name, the fact that ALL WESTERN advertised its  
23 services in Nevada under a name not previously approved and licensed in Nevada constitutes a violation  
24 of the foregoing laws; and,

25 On or about March 3, 2015, RESPONDENTS were served with a NOTICE OF INTENT TO  
26 ISSUE ORDER REQUIRING COMPLIANCE, IMPOSING ADMINISTRATIVE FINE, ASSESSING  
27 INVESTIGATIVE COSTS, AND IMPOSING CONDITIONS UPON MORTGAGE BROKER  
28 LICENSE AND NOTICE OF OPPORTUNITY FOR HEARING; and,

1           RESPONDENTS thereafter contacted the Division and expressed their intent to comply with  
2 Act and desire to cooperate with the Division and to avoid the time and expense involved in a formal  
3 administrative enforcement hearing; and,

4           The Division and RESPONDENTS conferred concerning this matter and determined to resolve  
5 this matter pursuant to the following terms:

6           1.       RESPONDENTS agree to CEASE AND DESIST from any and all violations of NRS  
7 Chapter 645B;

8           2.       RESPONDENTS agree to pay to the Division an ADMINISTRATIVE FINE in the  
9 amount of \$25,000.00;

10          3.       RESPONDENTS agree to pay the Division's ADMINISTRATIVE COSTS in the  
11 amount of \$1,005.00, in accordance with NRS 622.400;

12          4.       RESPONDENTS agree to put in place and enforce policies and procedures prohibiting  
13 the use of unapproved and unlicensed fictitious names; and

14          5.       RESPONDENTS agree not to seek licensure for or open any new branch locations  
15 governed by the Act, including but not limited to NRS 645B.020, for a period of one year from the  
16 effective date of this Order.

17          RESPONDENTS having knowingly and voluntarily affixed their authorized signature to the  
18 attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER, incorporated  
19 herein by this reference, have consented to the issuance of this Order with the intent to be legally bound  
20 hereby, and have waived and relinquished any and all rights that RESPONDENTS may now or  
21 hereafter have to an administrative hearing in this matter or to judicial review of, or otherwise challenge  
22 or contest, the entry of this Order; and,

23          RESPONDENTS having had opportunity to consult with legal counsel of their choosing  
24 concerning this matter; and,

25          The Commissioner having made the following FINDINGS and CONCLUSIONS:

26          1.       The Commissioner has jurisdiction and authority to issue this Order in this matter,  
27 pursuant to the Nevada Administrative Procedures Act ("NAPA"), NRS 233B.010 *et seq.*, and the  
28 Mortgage Brokers and Mortgage Agents Act, NRS 645B.010 *et seq.*

1           2.       All required notices have been issued in this matter, and the notices and service thereof  
2 were appropriate and lawful in all respects.

3           3.       The terms of this Order are a reasonable resolution of this matter and in the public  
4 interest.

5           4.       All applicable provisions of NAPA and NRS 622 have been met.

6           5.       RESPONDENTS violated NRS 645B.035(1)-(2), NRS 645B.460, NRS  
7 645B.670(1)(b)(3) and NAC 645B.037(2).

8           NOW, THEREFORE, IT IS HEREBY ORDERED that:

9           1.       RESPONDENTS shall fully comply with all provisions of the Act and CEASE AND  
10 DESIST from any and all violations of the Act.

11          2.       RESPONDENTS shall pay to the Division an ADMINISTRATIVE FINE in the amount  
12 of \$25,000.00. The ADMINISTRATIVE FINE shall be and is due upon RESPONDENTS' execution  
13 of the attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER and shall be  
14 tendered to the Division in accordance with the instructions included in the enclosed invoice.

15          3.       RESPONDENTS shall pay to the Division ADMINISTRATIVE COSTS in the amount  
16 of \$1,005.00. The ADMINISTRATIVE COSTS shall be and are due upon RESPONDENTS' execution  
17 of the attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER and shall be  
18 tendered to the Division with the ADMINISTRATIVE FINE described above in accordance with the  
19 instructions included in the enclosed invoice.

20          4.       The following condition shall be imposed upon ALL WESTERN's mortgage broker  
21 licenses, referenced above:

22               a. ALL WESTERN shall put in place and enforce policies and procedures prohibiting the  
23               use of unapproved and unlicensed fictitious names.

24               b. ALL WESTERN shall not seek licensure for or open any new branch locations  
25               governed by the Act, including but not limited to NRS 645B.020, for a period of one  
26               year from the effective date of this Order.

27          5.       This Order shall be and is effective and enforceable on the date that it is issued, as shown  
28 in the caption hereof.

