

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:	)	Order No. 2015-034
CALIBER HOME LOANS, INC.,	)	Case No. 2015-034
Mortgage Banker License No. 4060,	)	
NMLS ID No. 15622,	)	
Respondent.	)	

FINAL ORDER  
TO IMPOSE ADMINISTRATIVE FINE AND  
REQUIRE PAYMENT OF ADMINISTRATIVE COSTS

Issued and Entered,  
This 7<sup>th</sup> day of July, 2016,  
By James Westrin,  
Commissioner

**WHEREAS**, the Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the “Commissioner”) having been statutorily charged with the responsibility and authority to administer and enforce Chapter 645E of the Nevada Revised Statutes, NRS 645E.010 *et seq.* (the “Statute”), and Chapter 645E of the Nevada Administrative Code, NAC 645E.010 *et seq.* (the “Regulation”) (collectively, the “Act”) governing the licensing and conduct of mortgage bankers in the State of Nevada; and,

**WHEREAS**, on or about February 5, 2016, the Commissioner issued to Respondent at both its Irving, Texas office (main office) and Scottsdale, Arizona office, NOTICE OF INTENT TO ISSUE ORDER IMPOSING ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF ADMINISTRATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING (the “Notice”) attached hereto as Exhibit 1 and incorporated herein by this reference; and,



# **EXHIBIT 1**

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Mortgage Banker License No. 4060,	)	
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	)	
Respondent.	)	
	)	

NOTICE OF INTENT TO ISSUE ORDER  
IMPOSING ADMINISTRATIVE FINE AND  
REQUIRING PAYMENT OF ADMINISTRATIVE COSTS  
AND  
NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

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 645E of the Nevada Revised Statutes, NRS 645E.010 *et seq.* ("NRS 645E") ("the Statute"), as well as Chapter 645E of the Nevada Administrative Code, NAC 645E.010 *et seq.* ("NAC 645E") (the "Regulation"), governing the licensing and conduct of mortgage bankers doing business in the State of Nevada; and,

The Commissioner is further granted general supervisory power and control and administrative enforcement authority over all mortgage bankers doing business in the State of Nevada pursuant to the Statute and the Regulation; and,

The Commissioner has the specific authority and responsibility under NRS 645E to review and evaluate an applicant's qualifications and suitability for the issuance, renewal, or retention of a license as a mortgage banker under the provisions of NRS 645E.200 and NRS 645E.280; and,

1 Pursuant to that statutory authority and responsibility vested in the Commissioner, and in  
2 accordance with provisions of NRS 645E and other applicable law, Notice is hereby provided to  
3 CALIBER HOME LOANS, INC. (hereinafter, "RESPONDENT"), to give RESPONDENT notice of facts  
4 or conduct which, if true, will result in the issuance of an order imposing an administrative fine against  
5 RESPONDENT in the amount of \$2,000.00, and requiring payment of administrative costs in the amount  
6 of \$120.00. **Notice is further provided to inform RESPONDENT that prior to the issuance and**  
7 **entry of such order, RESPONDENT is entitled to an administrative hearing. If RESPONDENT**  
8 **desires to avail itself of the right to an administrative hearing, RESPONDENT must timely file a**  
9 **written request for an administrative hearing in accordance with the instructions set forth in**  
10 **Section III of this Notice.**

11 I.

12 FACTUAL ALLEGATIONS

13 1. At all times relevant to this matter, RESPONDENT held a mortgage banker license under  
14 NRS 645E (License No. 4060, NMLS ID No. 15622) and is therefore, subject to the jurisdiction of the  
15 Commissioner.

16 2. RESPONDENT, as a condition of holding a mortgage banker license, is required to  
17 designate a natural person, who meets the requirements set forth in NAC 645E.310(2), to serve as the  
18 licensee's qualified employee. In the event that the designated employee no longer meets the requirements  
19 to serve as the qualified employee, the licensee is required by NAC 645E.310(3) to designate a new  
20 qualified employee within 30 days (or date thereafter as agreed to by the Commissioner).

21 3. RESPONDENT'S qualified employee was removed on or about May 4, 2015.  
22 RESPONDENT was required by NAC 645E.310(3), to have designated a new qualified employee that  
23 meets the requirements set forth in NAC 645E.310(2), on or before June 3, 2015.

24 4. RESPONDENT did not designate a new qualified employee to serve as its qualified  
25 employee until on or about December 4, 2015.

26 5. On November 3, 2015, via U.S. mail and by certified mail receipt requested (Article No.  
27 7009 2250 0001 8859 0703 and Article No. 7009 2250 0001 8859 0710, respectively), RESPONDENT  
28 was served with a Notice of Opportunity to Show Compliance and Proposed Administrative Complaint

1 (“NOSC”) which included: (1) notice of facts or conduct which, if true, warrant formal disciplinary  
2 action against RESPONDENT’S mortgage banker license, including revocation of such license, and  
3 (2) notice of RESPONDENT’S opportunity to show compliance with all lawful requirements for the  
4 retention of its mortgage banker license in accordance with NRS 233B.127.

5 6. In its correspondence attached to the NOSC, the Division advised RESPONDENT that  
6 should it wish to exercise its right to an informal conference concerning the matter, it must provide  
7 written notification thereof to the Division within 20 days of the date of the Notice of Opportunity and  
8 Complaint pursuant to NRS 233B.127.

9 7. RESPONDENT did not avail itself of its opportunity to show compliance at an informal  
10 conference.

11 8. RESPONDENT’S failure to timely designate a new qualified employee for Division  
12 approval constitutes a violation of NAC 645E.310(3) and NRS 645E.670(2)(c) which subjects  
13 RESPONDENT to all administrative penalties available under NRS 645E.670(2).

14 II.

15 NOTICE OF INTENT TO ISSUE ORDER IMPOSING ADMINISTRATIVE FINE AND  
16 REQUIRING PAYMENT OF ADMINISTRATIVE COSTS

17 Based upon the factual allegations set forth in Section I, above, and as provided in the NOSC,  
18 RESPONDENT is hereby given notice that it is the intent of the Commissioner to issue and enter an  
19 order against RESPONDENT imposing an administrative fine in the amount of \$2,000.00, and requiring  
20 payment of administrative costs in the amount of \$120.00. Prior to the issuance and entry of such order,  
21 RESPONDENT is entitled to an opportunity for administrative hearing to contest this matter if  
22 RESPONDENT timely makes written application for such hearing in accordance with the instructions  
23 set forth in Section III below.

24 III.

25 NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

26 This Notice is provided to RESPONDENT pursuant to NRS 645E.750, which provides as  
27 follows:  
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1 1. If the Commissioner enters an order taking any disciplinary action  
2 against a person or denying a person's application for a license, the  
3 Commissioner shall cause a written notice of the order to be served  
4 personally or sent by certified mail or telegram to the person.

5 2. Unless a hearing has already been conducted concerning the matter,  
6 the person, upon application, is entitled to a hearing. If the person does  
7 not make such an application within 20 days after the date of the initial  
8 order, the Commissioner shall enter a final order concerning the matter.

9 3. A person may appeal a final order of the Commissioner in accordance  
10 with the provisions of chapter 233B of NRS that apply to a contested  
11 case. [Emphasis added.]

12 **If RESPONDENT wishes to exercise its right to an opportunity for an administrative**  
13 **hearing, within 20 calendar days after the date of this Notice, RESPONDENT must file a verified**  
14 **petition with the Commissioner to request a hearing. The verified petition requesting a hearing**  
15 **must be delivered to:**

16 Division of Mortgage Lending  
17 Attn. Susan Slack  
18 7220 Bermuda Road, Suite A  
19 Las Vegas, Nevada 89119

20 **If RESPONDENT fails to timely file a verified petition to request a hearing,**  
21 **RESPONDENT'S right to a hearing under NRS 645E.750 will be deemed waived and**  
22 **relinquished and a final order will be issued and entered in this matter. In addition to the verified**  
23 **petition to request a hearing, RESPONDENT may file a written answer to this Notice of Intent to**  
24 **Issue and Enter Final Order Imposing Administrative Fine and Requiring Payment of**  
25 **Administrative Costs.**

26 DIVISION OF MORTGAGE LENDING

27 By:   
28 JAMES WESTRIN, COMMISSIONER

Dated: 2/5/16