

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. <u>2015-028</u>
CITIZENS CHOICE MORTGAGE)	
Mortgage Broker License No. 2647,)	Case No. 2015-028
NMLS ID No. 322341,)	
)	
Respondent.)	

CONSENT ORDER
TO CEASE AND DESIST VIOLATING NRS 645B
AND
IMPOSING AN ADMINISTRATIVE FINE AND ASSESSING ADMINISTRATIVE COSTS

Issued and Entered,
This 24th day of March, 2016,
By James Westrin,
Commissioner

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

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

CITIZENS CHOICE MORTGAGE ("RESPONDENT") having made application for and been granted a license by the Commissioner as a mortgage broker, License No. 2647, pursuant to the provisions of NRS 645B, on November 13, 2006, to engage in the activity of a mortgage broker from its office located at 2690 Chandler Avenue, Suite 4, Las Vegas, Nevada 89120; and,

1 RESPONDENT'S President and Owner is Shawn Clem; and,

2 At all times relevant to this matter, RESPONDENT having been licensed with the Division of
3 Mortgage Lending ("Division") pursuant to NRS 645B and, therefore, subject to the jurisdiction of the
4 Commissioner; and,

5 Based upon review of the files and records of the Division, the Commissioner determined that
6 RESPONDENT'S financial statement for its fiscal year ended December 31, 2014 was due to the Division
7 on or before March 31, 2015 and RESPONDENT did not submit to the Division its Financial statement
8 for its fiscal year ended December 31, 2014, until on or about October 13, 2015 and no extension of time
9 was requested or granted; and

10 That based upon the foregoing, the Division thereby concluding that RESPONDENT committed
11 violations of NRS 645B.085(1), NRS 645B.670(1)(b)(3), and NRS 645B.670(1)(b)(9); and

12 On or about October 9, 2015, in accordance with NRS 233B.127(3), RESPONDENT was served
13 with a Notice of Opportunity to Show Compliance and Proposed Administrative Complaint providing
14 RESPONDENT with (1) notice of facts or conduct which warrant disciplinary action against
15 RESPONDENT'S mortgage broker license and (2) notice of its opportunity for an informal conference,
16 prior to the commencement of formal disciplinary action, to show compliance with all lawful
17 requirements for the retention of its license; and,

18 RESPONDENT did not avail itself of its opportunity to show compliance at an informal
19 conference; and,

20 On or about February 5, 2016, RESPONDENT, in accordance with NRS 645B.750, was served
21 with a Notice of Intent to Issue Order Revoking Mortgage Broker License, Imposing Administrative
22 Fine, and Requiring Payment of Administrative Costs and Notice of Opportunity for Administrative
23 Hearing, providing RESPONDENT with (1) notice of facts or conduct which warranted issuance and
24 entry of an order revoking RESPONDENT'S mortgage broker license, imposing an administrative fine
25 in the amount of \$1,000.00, and requiring payment of administrative costs in the amount of \$120.00 and
26 (2) notice of its opportunity to make application for an administrative hearing to contest the matter prior
27 to the issuance and entry of such order; and,

1 On or about February 22, 2016, RESPONDENT exercised its right to request an informal
2 conference or hearing and acknowledged the violations and represented corrective measures had been
3 implement; and

4 To avoid the time and expense involved in a formal administrative enforcement hearing, the
5 Division and RESPONDENT have conferred concerning this matter and determined to resolve this
6 matter pursuant to the following terms:

7 1. RESPONDENT agrees to timely file its financial statements from here on and to CEASE
8 AND DESIST from any and all violations of NRS Chapter 645B; and,

9 2. RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the
10 amount of \$1,000.00, which the Division acknowledges has been remitted by the RESPONDENT in
11 full; and,

12 3. RESPONDENT agrees to pay the Division's ADMINISTRATIVE COSTS in the
13 amount of \$120.00, in accordance with NRS 622.400, which the Division acknowledges has been
14 remitted by the RESPONDENT in full; and,

15 4. RESPONDENT understands and agrees that failure to strictly comply with each and
16 every provision of this Order is a violation of NRS 645B.670(1)(b)(3) and is grounds for any discipline
17 authorized under NRS 645B; and,

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

24 RESPONDENT, having had opportunity to consult with legal counsel of its choosing
25 concerning this matter; and,

26 The Commissioner having determined that the terms of this Order are a reasonable resolution of
27 this matter and in the public interest.

28 NOW, THEREFORE, IT IS HEREBY ORDERED that:

1 1. RESPONDENT shall timely file its financial statements going forward and fully comply
2 with all provisions of NRS 645B and CEASE AND DESIST from any and all violations of NRS 645B.

3 2. RESPONDENT shall pay to the Division an ADMINISTRATIVE FINE in the amount of
4 \$1,000.00. The Division acknowledges receipt of RESPONDENT'S ADMINISTRATIVE FINE.

5 3. RESPONDENT shall pay to the Division ADMINISTRATIVE COSTS in the amount of
6 \$120.00. The Division acknowledges receipt of payment of RESPONDENT'S ADMINISTRATIVE
7 COSTS.

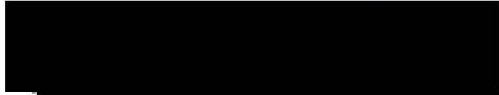
8 4. This Order shall be and is effective and enforceable on the date that it is issued, as shown
9 in the caption hereof.

10 5. This Order shall remain effective and enforceable until terminated, modified, set aside or
11 suspended in writing by the Commissioner.

12 6. The Commissioner specifically retains jurisdiction of the matters contained herein and
13 has the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to
14 enforce the Act and protect the public.

15
16 IT IS SO ORDERED.

17 DIVISION OF MORTGAGE LENDING



18
19 JAMES WESTRIN, COMMISSIONER