

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>2016-003</u>
DANIEL PAUL SHERBONDY)	
Mortgage Agent License No. 45649,)	Case No. 2016-003
NMLS ID No. 313289,)	
)	
Respondent.)	

CONSENT ORDER REQUIRING COMPLIANCE,
IMPOSING AN ADMINISTRATIVE FINE,
ASSESSING ADMINISTRATIVE COSTS AND
REQUIRING FURTHER CONTINUING EDUCATION

Issued and Entered,
This 23rd day of December, 2016,
By Cathy Sheehy,
Commissioner

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 645B of the Nevada Revised Statutes, NRS 645B.010 *et seq.* (“NRS 645B or “the Statute”), 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 further granted general supervisory power and control and enforcement authority over all mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to NRS 645B, including the authority to conduct such investigations as may be necessary to determine if any person has violated the Statute or Regulation; and,

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1 Daniel Paul Sherbondy (“RESPONDENT”) having been granted a mortgage agent license by the
2 Commissioner (License No. 45649, NMLS ID No. 313289) pursuant to the provisions of NRS 645B on
3 July 28, 2008; and,

4 RESPONDENT being currently associated with or employed as a loan officer by All Western
5 Mortgage, Inc. (“All Western”) at its principal office located at 8345 W. Sunset Rd., Suite #380,
6 Las Vegas, Nevada 89113; and,

7 Based upon the investigation by Division of Mortgage Lending (“the Division”) staff, including
8 review of the files and records of the Division, the Commissioner determined that RESPONDENT
9 violated provisions of the Statute by inaccurately advising complainants regarding their eligibility for
10 United States Department of Veterans Affairs (“VA”) loans; and

11 That based upon the foregoing, the Division thereby concluding that RESPONDENT committed
12 violations of NRS 645B.430(1), NRS 645B.410(3)(b)(5), NRS 645B.670.0147(1)-(3), and
13 NRS 645B.670(1)(c)(1), (2), (8), and (12); and,

14 On or about February 5, 2016, in accordance with NRS 233B.127(3), RESPONDENT was
15 served with a Notice of Opportunity to Show Compliance and Proposed Administrative Complaint
16 (“Notice”) providing RESPONDENT with (1) notice of facts or conduct which warrant disciplinary
17 action against RESPONDENT’S mortgage agent license and (2) notice of its opportunity for an
18 informal conference, prior to the commencement of formal disciplinary action, to show compliance with
19 all lawful requirements for the retention of his license; and,

20 RESPONDENT having acknowledged the violations and represented that corrective measures
21 had been implemented and undertaken; and,

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

25 1. RESPONDENT agrees to CEASE AND DESIST from any and all violations of the
26 Statute and the Regulation; and,

27 2. RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the
28 amount of \$5,000.00; and,

1 3. RESPONDENT agrees to pay the Division's ADMINISTRATIVE COSTS in the
2 amount of \$1,380.00; and,

3 4. RESPONDENT agrees to attend a three-hour class on ethics and a three-hour class on
4 VA loans within six months of the effective date of this Order. The classes will not count towards
5 RESPONDENT'S continuing education requirements for the retention and/or renewal of his mortgage
6 agent license; and,

7 5. RESPONDENT agrees to provide to the Division, no later than 30 days following
8 completion of the above-described courses, a copy of a certificate of completion or some other form of
9 authenticating information to demonstrate RESPONDENT'S satisfactory completion of both the class
10 on ethics and the class on VA loans as required in this Order; and,

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

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

20 RESPONDENT has had opportunity to consult with legal counsel of his choosing concerning
21 this matter; and,

22 The Commissioner making the following FINDINGS and CONCLUSIONS based upon the
23 foregoing and the books and records of the Division:

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

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

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

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

4 5. RESPONDENT violated NRS 645B.430(1), NRS 645B.410(3)(b)(5),
5 NRS 645B.0147(1)-(3), and NRS 645B.670(1)(c)(1), (2), (8), and (12).

6 NOW, THEREFORE, IT IS HEREBY ORDERED that:

7 1. RESPONDENT shall fully comply with all provisions of the Statute and the Regulation
8 and CEASE AND DESIST from any and all violations of the Statute and the Regulation.

9 2. RESPONDENT shall pay to the Division an ADMINISTRATIVE FINE in the amount of
10 \$5,000.00. The ADMINISTRATIVE FINE shall be due upon RESPONDENT'S execution of the
11 attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER and shall be
12 tendered to the Division in accordance with the instructions included in the enclosed invoice.

13 3. RESPONDENT shall pay to the Division ADMINISTRATIVE COSTS in the amount of
14 \$1,380.00. The ADMINISTRATIVE COSTS shall be due upon RESPONDENT'S execution of the
15 attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER and shall be
16 tendered to the Division with the ADMINISTRATIVE FINE described above in accordance with the
17 instructions included in the enclosed invoice.

18 4. RESPONDENT shall attend a three-hour class on ethics and a three-hour class on VA
19 loans within six months of the effective date of this Consent Order. The classes will not count towards
20 RESPONDENT'S continuing education requirements for the retention and/or renewal of his mortgage
21 agent license.

22 5. RESPONDENT shall provide to the Division, no later than 30 days following
23 completion of the above-described courses, a copy of a certificate of completion or some other form of
24 authenticating information to demonstrate RESPONDENT'S satisfactory completion of both the class
25 on ethics and the class on VA loans as required in this Order.

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

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