

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:)
KELLI JO SAMS) Order No.: 2014-140
Mortgage Agent License No. 23116,) Case No. 2014-140
NMLS ID No. 180337,)
Respondent.)
_____)

**FINAL ORDER REVOKING MORTGAGE AGENT LICENSE,
IMPOSING ADMINISTRATIVE FINE AND ASSESSING
ADMINISTRATIVE COSTS**

Issued and Entered,
this 19th day of January, 2016,
By James Westrin,
Commissioner

WHEREAS, the Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner"), on or about December 12, 2014, served upon Respondent a Notice of Intent to Issue and Enter Final Order Revoking Mortgage Agent License, Imposing and Administrative Fine, and Requiring Payment of Administrative Costs, and Notice of Opportunity for Hearing (the "Notice"); and,

WHEREAS, Respondent exercised her right to a hearing in this matter and the matter was heard before an independent hearing officer on November 12, 2015; and,

WHEREAS, on December 22, 2015, the hearing officer issued a Decision and Order (the "Decision"), attached hereto as Exhibit A and incorporated herein by reference, containing findings of

1 fact and conclusions of law affirming the Notice and recommending the Commissioner issue a final
2 order in this matter.

3 NOW, THEREFORE, it is hereby ORDERED that:

4 1. The Decision shall be and is adopted and made part of this final order and the factual
5 allegations set forth in the Notice shall be and are found to be true and correct.

6 2. Respondent's mortgage agent license (MLD Lic. No. 23116/NMLS ID 180337) shall be
7 and hereby is REVOKED.

8 3. Respondent shall pay to the State of Nevada, Division of Mortgage Lending, an
9 ADMINISTRATIVE FINE in the amount of \$7,500.00. The ADMINISTRATIVE FINE shall be and is
10 due and payable upon the effective date of this Order.

11 4. Respondent shall pay to the State of Nevada, Division of Mortgage Lending,
12 ADMINISTRATIVE COSTS in the amount of \$1,410.00. The ADMINISTRATIVE COSTS shall be
13 and are due and payable upon the effective date of this Order.

14 5. This Order shall be and is effective on the date that it is issued, as shown in the above
15 caption. This Order shall remain in effect until terminated, modified, or set aside in writing by the
16 Commissioner.

17 IT IS SO ORDERED.

18
19 DIVISION OF MORTGAGE LENDING

20 
21 JAMES WESTRIN, COMMISSIONER
22
23
24
25
26
27
28

EXHIBIT “A”

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

IN THE MATTER OF:)	
)	Case No. 2014-140
KELLI JO SAMS,)	
)	
Appellant.)	

DECISION AND ORDER

This matter comes before the Hearing Officer on Appeal from a December 12, 2014 Notice of Intent to Issue and Enter Order Revoking Mortgage Agent License, Imposing an Administrative Fine and Requiring Payment of Investigative Costs; and Notice of Opportunity for Hearing (hereinafter "Intent to Revoke Order") issued by the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, before the Commissioner of the Division of Mortgage Lending (hereinafter referred to as the "Division"). The Appeal hearing was held on November 20, 2015, at 10:00 a.m., at the Nevada Transportation Authority, 2290 S. Jones Blvd., Suite 110, Las Vegas, Nevada 89146. The Division was represented by Keith Kizer, Deputy Attorney General with the Nevada Attorney General's Office. Appellant KELLI JO SAMS (hereinafter "Appellant") did not appear at the hearing, nor did anyone appear on Appellant's behalf at the hearing. Investigator Diana Martinez was present during the hearing and testified on behalf of the Division.

The hearing was conducted pursuant to Chapters 233B and 645A of the Nevada Revised Statutes (hereinafter "NRS"), and all applicable administrative regulations. Following a review of the evidence, hearing the testimony of the witness, and considering the argument of counsel, the Hearing Officer renders the following Findings

of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Officer adopts as findings of fact the “Factual Allegations” set forth in the Division’s Intent to Revoke Order, attached and incorporated herein by reference.
2. On or about December 12, 2014, the Division issued its Intent to Revoke Order, referencing the following counts: I. Making a False Statement in an Application [regarding Financial Disclosure Question (A)(3)]; II. Suppressing or Withholding Information in Application[regarding Financial Disclosure Question (D)]; and III. Making a False Statement in an Application [regarding Financial Disclosure Question (D)].
3. Said Intent to Revoke Order also requested an administrative fine and payment of administrative costs pursuant to NRS 622.400.
4. On or about February 11, 2015, and pursuant to NRS 645B.750, Appellant submitted a written request for an administrative hearing related to the matter.
5. This matter was properly noticed for prehearing conference on Tuesday, October 6, 2015, and hearing on Tuesday, October 20, 2015.
6. At the Respondent’s request, the prehearing conference and hearing were rescheduled to Friday, October 23, 2015, and Friday, November 20, 2015, respectively, with proper written notice issued to the parties.
7. On October 23, 2015, a pre-hearing conference was scheduled in the subject matter. The Division was represented by Keith Kizer, Deputy Attorney General with the Nevada Attorney General's Office. The Appellant failed to appear.
8. On November 20, 2015, a hearing was held in this matter. The Division was represented by Keith Kizer, Deputy Attorney General with the Nevada Attorney General's Office. The Appellant failed to appear.

9. In several written communications (admitted to the record as State's Exhibits 1 and 2), the Appellant acknowledged: 1) actual notice of the scheduled hearing in this matter; and 2) her decision to willfully fail to appear.
10. Any finding of fact that may be deemed a conclusion of law shall so be construed.

CONCLUSIONS OF LAW

1. NRS 645B.010 *et seq.* provides the statutory authority for regulation and supervision of mortgage brokers and agents.
2. At all times relevant to this matter, Appellant held a license with the Division of Mortgage Lending pursuant to NRS 645B and is therefore subject to the jurisdiction of the Division.
3. NRS 645B.670 provides, in relevant part, that the Commissioner may suspend, revoke or place conditions upon any license or impose a fine on any person of not more than \$25,000 for each violation by entering an order to that effect, with the Commissioner's findings in respect thereto, if upon a hearing, it is determined that the applicant, licensee or person has "knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]"
4. NRS 622.400 also provides for the recovery of reasonable attorney fees and costs incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body "[e]nters a final order in which it finds that the person has violated any provision of this title

which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body."

5. At hearing, the Division withdrew the first count alleged in support of its Notice of Intent to Revoke.
6. Pursuant to NRS 233B.125, the Division has shown by substantial evidence, through the remaining counts referenced in the Notice of Intent to Revoke, that Appellant was in violation of NRS 645B.670 when she suppressed or withheld information (Count II) and made a false statement (Count III) in a mortgage agent renewal application.
7. Additionally, by not appearing at the subject hearing to present any evidence or testimony on her behalf, the subject allegations are undisputed by Appellant.
8. Any conclusion of law that may be deemed a finding of fact shall be so construed.

ORDER

On the grounds set forth hereinabove, IT IS HEREBY ORDERED that the December 12, 2014 *Notice of Intent to Issue and Enter Final Order Revoking Mortgage Agent License, Imposing Administrative Fine, and Requiring Payment of Administrative Costs Order Revoking Escrow Agent License, Imposing Administrative Fine and Requiring Payment of Administrative Costs* is AFFIRMED as proper. The Commissioner of the Division of Mortgage Lending should proceed with issuance of the proposed Final Order.

IT IS SO ORDERED this 22nd day of December 2015

[REDACTED]
KEITH A. SAKELHIDE, HEARING OFFICER
Appointee of James Westrin, Commissioner

ATTACHMENT TO DECEMBER 22, 2015 DECISION AND ORDER

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:)
KELLI JO SAMS)
Mortgage Agent License No. 23116,)
NMLS ID No. 180337,)
Respondent.)

Order No. 2014-
Case No. 2014-140

NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER
REVOKING MORTGAGE AGENT LICENSE,
IMPOSING ADMINISTRATIVE FINE, AND
REQUIRING PAYMENT OF ADMINISTRATIVE COSTS
AND
NOTICE OF OPPORTUNITY FOR 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 645B of the Nevada Revised Statutes, NRS 645B.010 *et. seq.*, and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (collectively, the "Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

The Commissioner is granted 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,

The Commissioner has the specific authority and responsibility under NRS 645B to review and evaluate an applicant's qualifications and suitability for the issuance, renewal, or retention of a license as a mortgage agent under the provisions of NRS 645B.410 and NRS 645B.430; and,

1 Pursuant to that statutory authority and responsibility vested in the Commissioner, and in
2 accordance with provisions of NRS 645B and other applicable law, Notice is hereby provided to KELLI
3 JO SAMS (hereinafter, "RESPONDENT"), to give RESPONDENT notice of facts or conduct which, if
4 true, will result in the issuance of a final order revoking RESPONDENT'S mortgage agent license,
5 imposing an administrative fine in the amount of \$7,500.00, and requiring payment of administrative costs
6 in the amount of \$1,410.00. Notice is further provided to inform Respondent that prior to the
7 issuance and entry of a final order, Respondent is entitled to an administrative hearing. If
8 Respondent desires to avail herself of the right to an administrative hearing, Respondent must
9 timely file a written request for an administrative hearing in accordance with the instructions set
10 forth in Section III of this Notice.

11 I.

12 FACTUAL ALLEGATIONS

13 1. On or about February 26, 2004, RESPONDENT made application for and was granted a
14 mortgage agent license by the Commissioner, MLD License No. 23116, pursuant to the provisions of the
15 Act. RESPONDENT'S NMLS Identification Number is 180337.

16 2. At all times relevant herein, RESPONDENT was licensed by the Commissioner as a
17 mortgage agent, pursuant to the provisions of the Act, and subject to the jurisdiction of the Commissioner.

18 3. A mortgage agent license expires each year on December 31st unless it is properly
19 renewed in accordance with the requirements set forth in NRS 645B.430(1).

20 4. Pursuant to NRS 645B.430(1), NRS 645B.410(3)(b)(3), and NRS 645B.410(3)(b)(5), a
21 mortgage agent license may be issued, renewed, or retained, only if the applicant or licensee has not made
22 a false statement, or material fact on his or her application, and has demonstrated financial responsibility,
23 character and general fitness so as to command the confidence of the community and warrant a
24 determination that the applicant or licensee will operate honestly, fairly and efficiently. Specifically,
25 NRS 645B.410(3) provides, in pertinent part, as follows:

26 3. Except as otherwise provided by law, the Commissioner shall issue a
27 license as a mortgage agent to an applicant if:

28 * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(b) The applicant:

* * *

(3) Has not made a false statement, or material fact on his or her application;

* * *

(5) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

5. The Act further grants the Commissioner the authority to impose an administrative fine or other discipline against a mortgage broker that violates the Act. NRS 645B.670(1)(c)(4) specifically provides, in pertinent part, as follows:

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

* * *

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]

6. On or about October 12, 2012, RESPONDENT submitted an application to renew her mortgage agent license for the 2013 licensing year and the renewal was then granted based upon RESPONDENT'S representations in that renewal application.

1 7. On or about December 30, 2013, RESPONDENT submitted an application to renew her
2 mortgage agent license for the 2014 licensing year and the renewal was then granted based upon
3 RESPONDENT'S representations in that renewal application.

4 8. The Division received information subsequent to RESPONDENT'S submission of her
5 December 30, 2013 renewal application concerning the accuracy of RESPONDENT'S license renewals.
6 The Division Staff thereupon commenced a full and thorough investigation, and from that investigation
7 determined that with regard to both of RESPONDENT'S 2012 and 2013 renewal applications, for the
8 years 2013 and 2014 respectively, RESPONDENT'S attestations and affirmations to their truth, current
9 status, accuracy, and completeness thereof were false, and that RESPONDENT withheld or failed to
10 disclose material information in connection therewith, failing to demonstrate financial responsibility,
11 character and general fitness so as to command the confidence of the community which would warrant a
12 determination that the RESPONDENT will operate honestly, fairly and efficiently and necessary for
13 licensure as a mortgage agent under NRS 645B.

14 9. On November 4, 2014, via U.S. mail and by certified mail receipt requested (Article No.
15 7009 2250 0001 8859 4848), RESPONDENT was served with a Notice of Opportunity to show
16 Compliance and Proposed Administrative Complaint which included: (1) notice of facts or conduct
17 which, if true, warrant formal disciplinary action against Respondent's mortgage agent, including
18 revocation of such license, and (2) notice of RESPONDENT'S opportunity to show compliance with all
19 lawful requirements for the retention of her mortgage agent license in accordance with NRS 233B.127
20 (the "Notice of Opportunity" and "Complaint"), attached hereto as Exhibit A, and incorporated herein
21 by this reference.

22 10. In its correspondence attached to the Notice of Opportunity and Complaint, the Division
23 advised RESPONDENT that should she wish to exercise her right to an informal conference concerning
24 the matter, she must provide written notification thereof to the Division within 20 days of the date of the
25 Notice of Opportunity and Complaint pursuant to NRS 233B.127.

26 11. RESPONDENT failed to file written notification to the Division requesting an informal
27 conference and has not otherwise contacted the Division.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

If you wish to exercise your right to an opportunity for an administrative hearing, within 20 calendar days after the date of this Notice, you must file a verified petition with the Commissioner to request a hearing. The verified petition requesting a hearing must be delivered to:

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

If you fail to timely file a verified petition to request a hearing, your right to a hearing under NRS 645B.750 will be deemed waived and relinquished and a final order will be issued and entered in this matter.

In addition to the verified petition to request a hearing, you may file a written answer to this Notice of Intent to Issue and Enter Final Order Revoking Mortgage Agent License, Imposing Administrative Fine, and Requiring Payment of Administrative Costs.

DIVISION OF MORTGAGE LENDING

By: 
JAMES WESTRIN, COMMISSIONER

Dated: December 12, 2014

Exhibit A

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:

KELLI JO SAMS
Mortgage Agent License No. 23116,
NMLS ID No. 180337,

Respondent.

Order No.: 2014-

Case No. 2014-140

NOTICE OF OPPORTUNITY TO SHOW COMPLIANCE
AND
PROPOSED ADMINISTRATIVE COMPLAINT

I.

NOTICE OF OPPORTUNITY TO SHOW COMPLIANCE

This Notice is provided to you pursuant to NRS 233B.127, to inform you that the Division of Mortgage Lending intends to seek the revocation of your Mortgage Agent License based on the acts and conduct outlined in the attached Proposed Administrative Complaint. Prior to the commencement of formal administrative action, you are entitled to an opportunity to show compliance with all lawful requirements for the retention of your mortgage agent license.

If you wish to exercise your right to an opportunity to show compliance at an informal conference, you must provide written notification to the Division within 20 days from the date of mailing of this Notice. Your written notification must be delivered to the Division at:

Division of Mortgage Lending
Attn. Susan Slack
7220 Bermuda Road, Suite A
Las Vegas, Nevada 89119
sslack@mld.nv.gov

1 FACTUAL ALLEGATIONS AND COMPLAINT

2 The staff of the Division of Mortgage Lending ("Division") alleges that the following facts are
3 true and correct:

4 1. RESPONDENT made application for and was granted a mortgage agent license by the
5 Commissioner, MLD License No. 23116, pursuant to provisions of the Act, on February 26, 2004.
6 RESPONDENT'S NMLS Identification Number is 180337.

7 2. At all times relevant to this matter, RESPONDENT held a mortgage agent license issued
8 by the Commissioner.

9 3. A mortgage agent license issued under the Act expires annually on December 31st, unless
10 renewed by the holder of the license.

11 4. On or about October 12, 2012, RESPONDENT submitted a renewal application to renew
12 RESPONDENT'S mortgage agent license for the licensing period beginning January 1, 2013 and
13 ending December 31, 2013.

14 5. In relation to, and in support of, the submission of her renewal application, on
15 October 12, 2012, RESPONDENT submitted to the Division a Renewal Attestation ("the Attestation").
16 In the Attestation, RESPONDENT swore or affirmed that:

17 a. The information and statements in RESPONDENT'S application were "true,
18 current, accurate and complete", and

19 b. RESPONDENT has updated her record to "disclose any new event or proceeding
20 requiring an affirmative answer to any Disclosure Question which has occurred since submission of
21 [her] [license] application or renewal application."

22 6. Based upon information and belief, RESPONDENT'S attestations and affirmations are
23 false and RESPONDENT withheld or failed to disclose material information in connection with her
24 renewal application. The false and withheld information is set forth in COUNTS I and II below.

25 7. On December 30, 2013, RESPONDENT submitted a renewal application to renew
26 RESPONDENT'S mortgage agent license for the licensing period beginning January 1, 2014 and
27 ending December 31, 2014.

28

1 8. In relation to, and in support of, the submission of her submission of her renewal
2 application, on December 30, 2013, RESPONDENT swore or affirmed that:

3 a. The information and statements in RESPONDENT'S application were "true,
4 current, accurate and complete", and

5 b. RESPONDENT has updated her record to "disclose any new event or proceeding
6 requiring an affirmative answer to any Disclosure Question which has occurred since submission of
7 [her] [license] application or renewal application."

8 9. Based upon information and belief, RESPONDENT'S attestations and affirmations are
9 false and RESPONDENT withheld or failed to disclose material information in connection with her
10 renewal application. The false and withheld information is set forth in COUNTS III and IV below.

11 COUNT I

12 Making a False Statement in Application

13 10. The Division re-alleges and incorporates all foregoing facts and allegations as though
14 fully set forth herein.

15 11. Pursuant to NRS 645B.430(1), to be eligible to renew a mortgage agent license, the
16 holder of the license must continue to meet the requirements of NRS 645B.410(3).

17 12. NRS 645B.410(3) provides, in pertinent part, as follows:

18 3. Except as otherwise provided by law, the Commissioner shall issue a
19 license as a mortgage agent to an applicant if:

20 * * *

21 (b) The applicant:

22 * * *

23 (3) Has not made a false statement of material fact on his or her
24 application;

25 * * *

26 (5) Has demonstrated financial responsibility, character and general
27 fitness so as to command the confidence of the community and warrant a
28

1 determination that the applicant will operate honestly, fairly and
2 efficiently for the purposes of this chapter.

3 13. NRS 645B.670(1)(c)(4) provides, in pertinent part, as follows:

4 (c) For each violation committed by a mortgage agent, the Commissioner
5 may impose upon the mortgage agent an administrative fine of not more
6 than \$25,000, may suspend, revoke or place conditions upon the mortgage
7 agent's license, or may do both, if the mortgage agent, whether or not
8 acting as such:

9 * * *

10 (4) Has knowingly made or caused to be made to the Commissioner any
11 false representation of material fact or has suppressed or withheld from
12 the Commissioner any information which the mortgage agent possesses
13 and which, if submitted by the mortgage agent, would have rendered the
14 mortgage agent ineligible to be licensed pursuant to the provisions of this
15 chapter[.]

16 14. In RESPONDENT'S October 12, 2012, license-renewal application, RESPONDENT
17 answered in the negative to the following Financial Disclosure Question:

18 (A)(3) Have you been the subject of a foreclosure action within the past 10 years?

19 15. Based upon information and belief, within the 10-year period prior to October 12, 2012,
20 RESPONDENT was the subject of a foreclosure action. On December 7, 2010, in the matter of *Vera*
21 *Woods v. Kelli Jo Sams* (Case No. 10C10458), the Circuit Court of the State of Oregon, for the County
22 of Marion, having concluded that RESPONDENT had failed to pay the Plaintiff, Vera Woods, the
23 monetary judgment pursuant to the terms of the court's October 28, 2010 award, entered a General
24 Judgment of Strict Foreclosure of Real Estate Contract against RESPONDENT, which ordered that
25 RESPONDENT reconvey described real property to Ms. Woods, and forever foreclosed all interest by
26 RESPONDENT in such property. In a supplemental judgment entered on January 5, 2011, that court
27 additionally awarded attorney fees in favor of Ms. Woods totaling \$7,335.29. On July 18, 2011,
28 following RESPONDENT'S failure to reconvey the real property to Ms. Woods, the Marion Circuit

1 Court entered an Amended General Judgment of Strict Foreclosure of Real Estate Contract to remove
2 RESPONDENT'S name from title to that property such that the property would be held solely in Ms.
3 Woods' name.

4 16. RESPONDENT'S answer to Financial Disclosure Question (A)(3) should have been in
5 the affirmative. RESPONDENT, however, answered the question in the negative.

6 17. RESPONDENT'S failure to disclose the foreclosure action, thereby failing to submit a
7 truthful, accurate and complete renewal application, constitutes the making of a false statement,
8 misrepresentation, or omission of a material fact in the renewal application contrary to NRS
9 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges RESPONDENT'S suitability
10 for licensure under NRS 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether
11 RESPONDENT has not made a false statement of material fact on her application, and has
12 demonstrated or continues to possess the requisite financial responsibility, character and general fitness
13 so as to command the confidence of the community and warrant a determination that RESPONDENT
14 will operate honestly, fairly and efficiently for purposes of the Act.

15 18. RESPONDENT'S false statement, misrepresentation, or omission of a material fact is a
16 violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS
17 645B.670(1)(c).

18 COUNT II

19 Suppressing or Withholding Information in Application

20 19. The Division re-alleges and incorporates all foregoing facts and allegations as though
21 fully set forth herein.

22 20. In RESPONDENT'S October 12, 2012, renewal application, RESPONDENT answered
23 affirmatively to the following Financial Disclosure Question:

24 (D) Do you have any unsatisfied judgments or liens against you?

25 21. While RESPONDENT admitted to the existence of an unsatisfied small-claims judgment
26 rendered against her in Oregon, based upon information and belief, she did not disclose or otherwise
27 identify the unsatisfied Oregon circuit-court judgments rendered against her in the matters of *AJL*
28 *Technologies, LLC, an Oregon Corporation v. Kelli J. Sams, individually*, Case No. 08C24037 ("AJL

1 litigation”), and *Yellow Book Sales and Distribution Company, Inc. v. KJS Enterprises, Inc. and Kelli*
2 *Sams*, Case No. 100913245 (“Yellow Book litigation”).

3 22. On January 22, 2009, in the AJL litigation, the Circuit Court of the State of Oregon for
4 the County of Marion issued a General Judgment and Money Award on Default against
5 RESPONDENT. Noting that an Order of Default had been signed on January 5, 2009, the court ordered
6 and adjudged that the plaintiff AJL shall have a general judgment against RESPONDENT “in the
7 principal amount of \$9,738.78 plus prejudgment interest thereon at the rate of 18% per annum from
8 October 30, 2008 until date of entry of judgment [January 28, 2009]; and for Plaintiff’s attorney fees
9 and costs and disbursements incurred herein; and postjudgment interest on all sums from the date of
10 entry of judgment until paid.”

11 23. On November 17, 2010, in the Yellow Book litigation, the Circuit Court of the State of
12 Oregon for the County of Multnomah, issued an Ex Parte Limited Judgment and Money Award against
13 KJS Enterprises, Inc. and RESPONDENT. The court adjudged that the plaintiff Yellow Book Sales and
14 Distribution Company, Inc. shall recover from the debtors KJS Enterprises and RESPONDENT the sum
15 of \$18,646.00 and that all properties heretofore attached in the action to be sold, “the proceeds thereof,
16 together with all moneys, if any, in the possession of the sheriff or constable, to be applied toward the
17 satisfaction of this judgment.” The Court additionally awarded both prejudgment and postjudgment
18 interest as well as attorney fees, costs and disbursements, and prevailing party fee.

19 24. Based upon information and belief, at the time she submitted her October 12, 2012
20 application for renewal of her Nevada mortgage agent license, RESPONDENT had not satisfied the
21 judgment rendered against her in the AJL litigation which remained due and owing in the amount of at
22 least \$9,738.78, and had not satisfied the judgment rendered against her in the Yellow Book litigation
23 which remained due and owing in the amount of at least \$18,646.00.

24 25. RESPONDENT’S failures to disclose the unsatisfied judgments rendered against her in
25 both the AJL litigation and Yellow Book litigation, thereby failing to submit an accurate and complete
26 renewal application, constitutes the making of false statements, misrepresentations, or omissions of
27 material facts in the renewal application contrary to NRS 645B.430(1), 645B.410(3), and
28 645B.670(1)(c)(4) and, further, challenges RESPONDENT’S suitability for licensure under NRS

1 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether RESPONDENT has not made a
2 false statement of material fact on her application, and has demonstrated or continues to possess the
3 requisite financial responsibility, character and general fitness so as to command the confidence of the
4 community and warrant a determination that RESPONDENT will operate honestly, fairly and
5 efficiently for purposes of the Act.

6 26. RESPONDENT'S false statements, misrepresentations, or omissions of material facts is a
7 violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS
8 645B.670(1)(c).

9 COUNT III

10 Making a False Statement in Application

11 27. The Division re-alleges and incorporates all foregoing facts and allegations as though
12 fully set forth herein.

13 28. In RESPONDENT'S December 30, 2013, renewal application, RESPONDENT
14 answered in the negative to the following Financial Disclosure Question:

15 (D) Do you have any unsatisfied judgments or liens against you?

16 29. Based upon information and belief, as provided in Paragraph 22 of Count II, above,
17 RESPONDENT has not satisfied the January 22, 2009 judgment rendered against her in AJL litigation
18 which remains due and owing in the amount of at least \$11,913.28.

19 30. RESPONDENT'S answer to Financial Disclosure Question (D) should have been in the
20 affirmative. RESPONDENT, however, answered the question in the negative.

21 31. RESPONDENT'S failure to disclose the unsatisfied judgment rendered against her in the
22 AJL litigation, thereby failing to submit an accurate and complete renewal application, constitutes the
23 making of a false statement, misrepresentation, or omission of a material fact in the renewal application
24 contrary to NRS 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges
25 RESPONDENT'S suitability for licensure under NRS 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5).
26 Specifically, whether RESPONDENT has not made a false statement of material fact on her application,
27 and has demonstrated or continues to possess the requisite financial responsibility, character and general
28

1 fitness so as to command the confidence of the community and warrant a determination that
2 RESPONDENT will operate honestly, fairly and efficiently for purposes of the Act.

3 32. RESPONDENT'S false statement, misrepresentation, or omission of a material fact is a
4 violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS
5 645B.670(1)(c).

6 COUNT IV

7 Making False Statements in Application

8 33. The Division re-alleges and incorporates all foregoing facts and allegations as though
9 fully set forth herein.

10 34. In RESPONDENT'S December 30, 2013, renewal application, RESPONDENT
11 answered in the negative to each of the following three Regulatory Action Disclosure questions:

12 (K) Has any State or federal regulatory agency or foreign financial regulatory authority
13 or self-regulatory organization (SRO) ever:

14 (1) found you to have made a false statement or omission or been dishonest,
15 unfair or unethical?

16 (6) denied or suspended your registration or license or application for licensure,
17 disciplined you, or otherwise by order, prevented you from associating with a
18 financial-services related business or restricted your activities?

19 (8) issued a final order against you based on violations of any law or regulations
20 that prohibit fraudulent, manipulative, or deceptive conduct?

21 35. On July 18, 2013, the Director of the Oregon Department of Consumer and Business
22 Services, Division of Finance and Corporate Securities System ("Oregon Director") issued and entered
23 an *Order Denying Mortgage Loan Originator License and Notice of Right to a Hearing* ("License
24 Denial Order," No. M-13-0142). The findings made in the License Denial Order included those which
25 found RESPONDENT to have made *false statements and a material omission* in her May 14, 2013
26 Oregon MLO application.

27 ///

1 36. On December 4, 2013, the Oregon Director issued a *Final Order Denying Mortgage*
2 *Loan Originator License Entered by Default* ("Final License Denial Order," No. M-13-0142). The
3 findings made in the Final License Denial Order included those which found RESPONDENT to have
4 made *false statements and a material omission* in her May 14, 2013, Oregon MLO application.

5 37. RESPONDENT'S answers to Regulatory Action Disclosure Questions (K)(1), (K)(6),
6 and (K)(8) should have each been in the affirmative, based upon the findings made in both the License
7 Denial Order and Final License Denial Order. RESPONDENT, however, answered all three questions
8 in the negative.

9 38. RESPONDENT'S failures to disclose each of the state regulatory agency orders and to
10 submit a truthful, accurate and complete renewal application constitutes the making of false statements,
11 misrepresentations, or omissions of a material fact in the renewal application contrary to NRS
12 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges RESPONDENT'S suitability
13 for licensure under NRS 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether
14 RESPONDENT has not made a false statement of material fact on her application, and has
15 demonstrated or continues to possess the requisite financial responsibility, character and general fitness
16 so as to command the confidence of the community and warrant a determination that RESPONDENT
17 will operate honestly, fairly and efficiently for purposes of the Act.

18 39. RESPONDENT'S false statements, misrepresentations, or omissions of material facts
19 are in violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS
20 645B.670(1)(c).

21 APPLICABLE LAWS AND PENALTIES

22 If the facts as alleged are true and correct, violations of the Act have occurred. In addition to the
23 above-referenced provisions, Staff believes the following provisions are applicable in this matter:

24 **NRS 233B.127(3) provides, in pertinent part, as follows:**

- 25 3. No revocation, suspension, annulment or withdrawal of any license is
26 lawful unless, before the institution of agency proceedings, the agency
27 gave notice by certified mail to the licensee of facts or conduct which
28 warrant the intended action, and the licensee was given an opportunity to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

show compliance with all lawful requirements for the retention of the license. . . .

NRS 645B.670(1)(c) provides, in pertinent part, as follows:

Except as otherwise provided in NRS 645B.690:

* * *

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such.

* * *

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]

DIVISION OF MORTGAGE LENDING

By  _____
JAMES WESTRIN, COMMISSIONER

Dated: 11/4/14