

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

In the Matter of:

CASE NO.: 2019-015

**BEN ALEXANDER-OWENS ANDERSON,**  
**Mortgage Agent License No. 60855**  
**(surrendered), NMLS ID No. 320166,**

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW,**  
**AND ORDER**

**Respondent.**

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On March 31, 2021, a properly noticed hearing in the above-captioned matter was held before Mary M. Huck, Esq., serving in her capacity as the Hearing Officer in accordance with Chapter 645B of the Nevada Revised Statutes (“NRS”), and Chapter 645B of the Nevada Administrative Code (“NAC”). The hearing was conducted through the videoconferencing system WebEx.<sup>1</sup>

Present at the March 31, 2021 hearing were Mary M. Huck, Esq., Hearing Officer; Rhonda Kelly, Legal Secretary II, Division of Insurance; Cathy Sheehy, Commissioner, Division of Mortgage Lending (“MLD”); Zeljana Adjari, Deputy Commissioner, MLD; Royce Heath, Investigator, MLD; Michelle D. Briggs, Esq., Sr. Deputy Attorney General, Office of the Nevada Attorney General, counsel for MLD; Matthew Feeley Esq., Deputy Attorney General, Office of the Nevada Attorney General, counsel for MLD; Peter R. Pratt Esq., counsel for Respondent; and Ben Alexander-Owens Anderson, Respondent.

After hearing the allegations and the respective arguments of the parties, and having considered all the evidence introduced and admitted, the undersigned Hearing Officer finds and concludes as follows.

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<sup>1</sup> Pursuant to Governor Sisolak’s March 22, 2020 Declaration of Emergency Directive 006 (extended by Declaration of Emergency Directive 029), the requirement contained in NRS 241.023.1(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate must participate by using WebEx.

1 **I. PROCEDURAL HISTORY**

2 This matter commenced February 25, 2020, when the MLD issued Notice of Intent to  
3 Issue and Enter Final Order Revoking Mortgage Agent License, Imposing Administrative Fine,  
4 Requiring Payment of Investigative Costs, and Notice of Opportunity for Hearing  
5 (“Complaint”). On December 17, 2020, Respondent, by way of counsel, filed with the MLD  
6 Ben Alexander’s Application for Administrative Hearing. On March 4, 2021, the Prehearing  
7 Order was issued, setting the hearing date and associated deadlines.

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9 **II. WITNESSES**

10 **BEN ALEXANDER-OWENS ANDERSON, Respondent:** Ben Alexander-Owens  
11 Anderson (“Respondent”) provided testimony at the hearing on his behalf.

12 **ROYCE HEATH, Investigator, MLD:** Royce Heath (“Heath”) provided testimony at  
13 the hearing on behalf of the MLD regarding the Complaint and investigation into the matter.  
14 Heath testified that Respondent failed to participate in the investigation or respond to requests  
15 sent by the MLD.<sup>2</sup>

16 **III. EXHIBITS**

17 Counsel for Respondent and counsel for the MLD stipulated to the admission of the  
18 MLD’s exhibits A-U. The Hearing Officer admitted the following MLD exhibits into evidence:

19

Exhibit	Bates#	Description
A	MLD0001-0010	California Order and Decision 03.23.19
B	MLD0011-0013	North Carolina Order 04.08.19
C	MLD0014-0015	Illinois Order 2019-File
D	MLD0016-0025	Washington Order 04.26.19
E	MLD0026-0028	Ohio Order 06.26.19
F	MLD0029-0033	Initial Letter to Anderson 04.04.19

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28 <sup>2</sup> MLD’s Exhibit F, pages 0029-0033 and MLD’s Exhibit G, pages 0034-0035.

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<b>Exhibit</b>	<b>Bates#</b>	<b>Description</b>
G	MLD0034-0035	Follow up letter to Anderson 04.12.19
H	MLD0036-0062	Emails Related to Anderson 06.24.19 - 09.27.19
I	MLD0063-0163	NMLS Disclosure Responses and Explanations for Anderson
J	MLD0164-0177	Internet Printout for Ben Anderson 365
K	MLD0178-0187	Internet Printout for PRMG
L	MLD0188-0232	Writ of Mandamus filed in CA by Anderson 03.31.19
M	MLD0233-0235	CA SOS Printout for Ben Anderson 365 03.21.18
N	MLD0236-0256	NMLS Individual Snapshot for Anderson 11.14.19
O	MLD0257	NMLS Status history for Anderson 08.16.19
P	MLD0258-0260	NMLS State Historical Filings
Q	MLD0261	NMLS Record of State regulatory actions 06.19.19
R	MLD0262-0264	NMLS Record re status of licenses in all jurisdictions
S	MLD0265-0279	Anderson's NMLS Application for Nevada Licensure w/attestation 02.08.18
T	MLD0280-0295	Anderson's NMLS attestation 11.05.18
U	MLD0296-0297	News Bulletin re Illinois 04.05.19

During the hearing, Respondent, by way of counsel, offered into evidence Stipulated Request and Order Vacating Judgments. Over the objection of counsel for the MLD the proposed exhibit was entered into evidence.<sup>3</sup> The Hearing Officer admitted the following exhibit into evidence submitted on behalf of Respondent:

<b>Exhibit #</b>	<b>Bates#</b>	
1	NA	Stipulated Request and Order Vacating the Judgements April 11, 2017

<sup>3</sup> The objection was based on Respondent failing to disclose the document prior to the Hearing.

1 **IV. FINDINGS OF FACTS**

2 There is substantial evidence in the record, which contains the legal evidence presented  
3 at the hearing, to establish each of the facts hereinafter set forth in these Findings of Fact:

4 1. On February 8, 2018, Respondent filed an application for a Nevada mortgage agent  
5 license. The application was submitted through the Nationwide Mortgage Licensing  
6 System and Registry (“NMLS”) when Respondent completed and filed an Individual  
7 Filing Statement (“February 8, 2018 MU4 Form”).<sup>4</sup>

8 2. In Respondent’s February 8, 2018 MU4 Form he answered “No” to the following  
9 questions:

10 (N) Is there a pending regulatory action proceeding against you for any alleged violation  
11 described in (K) through (L)?

12 (Q) Have you ever voluntarily resigned, been discharged, or permitted to resign after  
13 allegations were made that accused you of: (1) violating statute(s), regulation(s), rule(s),  
14 or industry standards or conduct? (2) fraud, dishonesty, theft, or the wrongful  
taking of property?<sup>5</sup>

15 3. In Respondent’s February 8, 2018 MU4 Form, he signed an attestation representing to:

16 (1) That the information and statements contained herein, including exhibits attached  
17 hereto, and other information filed herewith, all of which are made a part of this  
18 application, are current, true, accurate and complete and are made under the penalty  
of perjury, or un-sworn falsification to authorities, or similar provisions as provided  
by law;

19 (2) To the extent any information previously submitted is not amended and hereby,  
20 such information remains accurate and complete;

21 ...

22 (4) To keep the information contained in this form current and to file accurate  
23 supplementary information on timely basis.<sup>6</sup>

24 4. On or around June 5, 2014, Mount Olympus Mortgage Company (“MOMCO”)  
25 terminated Respondent’s employment based upon fraudulent conduct, wherein

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27 <sup>4</sup> MLD’s Exhibit S, pages 0265-0279.

28 <sup>5</sup> MLD’s Exhibit S, page 0277.

<sup>6</sup> MLD’s Exhibit S, pages 0278-0279.

1 Respondent engaged in a breach of his employment agreement with MOMCO and  
2 misappropriation of client records.<sup>7</sup>

3 5. On June 19, 2014, MOMCO commenced a civil cause of action against Respondent in  
4 Orange County Superior Court (case number 30-2014-00729438-CU-PT-CJC), alleging  
5 fraud and misappropriation of confidential information. On March 22, 2016, a jury found  
6 Respondent liable on eight causes of action, including fraud, breach of fiduciary duty,  
7 conversation, and misappropriation.<sup>8</sup> On April 11, 2017, the Court issued Stipulated  
8 Request and Order Vacating the Judgments.<sup>9</sup>

9 6. On March 29, 2018, the California Department of Business and Oversight (“CA-DBO”)  
10 issued First Amended Accusation in Support of Order Revoking Mortgage Loan  
11 Originator (“MLO”) License of Ben Alexander-Owens Anderson (“CA-DBO First  
12 Amended Accusation”) for violations of the State of California’s law and regulations  
13 (The Commissioner of Business and Oversight v. Ben Alexander-Owens Anderson).<sup>10</sup>

14 7. Respondent did not update his February 8, 2018 MU4 Form to reflect the CA-DBO First  
15 Amended Accusation.

16 8. On April 19, 2018, the MLD, based on the information provided by Respondent, granted  
17 Respondent’s Nevada Mortgage Agent License Number 60855, NMLS ID Number  
18 320166 for the year 2018.

19 9. On November 5, 2018, Respondent filed his application to renew Nevada Mortgage  
20 Agent License Number 60855, NMLS ID Number 320166 for the year 2019. The  
21 application for renewal was submitted through the Nationwide Mortgage Licensing  
22 System and Registry (“NMLS”) when Respondent completed and filed an Individual  
23 Filing Statement (November 5, 2018 MU4 Form).<sup>11</sup>

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26 <sup>7</sup> MLD’S Exhibit L, page 0191 Line 7 and MLD’s Exhibit A, pages 0001-0010.

27 <sup>8</sup> MLD’ Exhibit A, page 0005.

28 <sup>9</sup> Respondent’s Exhibit 1.

<sup>10</sup> MLD’s Exhibit A, page 0002.

<sup>11</sup> MLD’s Exhibit T, pages 0280-0295.

1 10. In Respondent's November 5, 2018 MU4 Form he answered "No" to the following  
2 questions:

3 (N) Is there a pending regulatory action proceeding against you for any alleged violation  
4 described in (K) through (L)?

5 (Q) Have you ever voluntarily resigned, been discharged, or permitted to resign after  
6 allegations were made that accused you of: (1) violating statute(s), regulation(s), rule(s),  
7 or industry standards or conduct? (2) fraud, dishonesty, theft, or the wrongful taking of  
8 property?<sup>12</sup>

8 11. In Respondent's November 5, 2018 MU4 Form he signed an attestation stating  
9 "Additionally, I acknowledge that I have a duty and agree to expediently update and  
10 correct the information as it changes."<sup>13</sup>

11 12. On November 6, 2018, the CA-DBO held a hearing to revoke Respondent's California  
12 MLO license.<sup>14</sup>

13 13. Respondent did not update his November 5, 2018 MU4 Form to disclose the November  
14 6, 2018 CA-DBO Hearing.

15 14. On December 5, 2018, based on the information provided by Respondent, the MLD  
16 renewed Respondent's Nevada Mortgage Agent License Number 60855, NMLS ID  
17 Number 320166 for the year 2019.

18 15. Effective March 23, 2019, the CA-DBO adopted the Proposed Decision of the  
19 Administrative Law Judge dated December 5, 2018, revoking Respondent's MLO  
20 License.<sup>15</sup>

21 16. On April 15, 2019, Respondent surrendered his Nevada Mortgage Agent License Number  
22 60855, NMLS ID Number 320166.<sup>16</sup>

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26 <sup>12</sup> MLD's Exhibit T, page 0292.

27 <sup>13</sup> MLD's Exhibit T, page 0280.

28 <sup>14</sup> MLD's Exhibit A, page 0002.

<sup>15</sup> MLD's Exhibit A, page 0001-0010.

<sup>16</sup> Pursuant to NRS 645B.740 the voluntary surrender of a license does not preclude the Commissioner from retaining jurisdiction of this matter including initiating or continuing administrative proceedings.

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**V. CONCLUSIONS OF LAW**

**A. Violation of NRS 645B.670(1)(a)(1), (1)(a)(2), and (1)(a)(3)**

NRS 645B.670(1)(a)(1), (1)(a)(2), and (1)(a)(3) state:

**NRS 645B.670 Authorized disciplinary or other action; grounds for disciplinary action.**

1. Except as otherwise provided in [NRS 645B.690](#):

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

The MLD asserts that Respondent violated NRS 645B.670(1)(a)(1), (1)(a)(2), and (1)(a)(3) by failing to disclose required information in his initial application to the MLD and in his renewal application.<sup>17</sup> In Respondent’s February 8, 2018 MU4 Form he failed to disclose his termination from MOMCO by answering “No” to question (Q)(1)-(2). Respondent was terminated due to a civil action brought by MOMCO for violations of financial services related to statutes and regulations.<sup>18</sup> Respondent failed to provide supplemental and current information by not updating the MU4 Form to reflect the CA-DBO First Amended Accusation.<sup>19</sup>

On November 5, 2018, when Respondent applied for renewal of his license, he again failed to disclose his termination from MOMCO by answering “No” to question (Q)(1)-(2). He failed to disclose the CA-DBO First Amended Accusation by answering “No” to question (N).<sup>20</sup> In addition, he did not update his application to disclose the November 6, 2018 CA-DBO

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<sup>17</sup> MLD’s Exhibit S, pages 0265-0279 and MLD’s Exhibit T, pages 0280-0295.

<sup>18</sup> MLD’s Exhibit S, page 0277.

<sup>19</sup> MLD’s Exhibit A, page 0002.

<sup>20</sup> MLD’s Exhibit T, page 0292.

1 Hearing.<sup>21</sup>

2 Respondent's acts and omissions violate NRS 645B(1)(a)(1), (1)(a)(2), and (1)(a)(3).

3 **B. Violation of NRS 645B.670(1)(c)(4)**

4 NRS 645B.670(1)(c)(4) states:

5 **NRS 645B.670 Authorized disciplinary or other action; grounds for**  
6 **disciplinary action. [Effective through December 31, 2019.]**

7 1. Except as otherwise provided in [NRS 645B.690](#):

8 (c) For each violation committed by a mortgage agent, the Commissioner  
9 may impose upon the mortgage agent an administrative fine of not more than  
10 \$25,000, may suspend, revoke or place conditions upon the mortgage agent's  
11 license, or may do both, if the mortgage agent, whether or not acting as such:

12 ...

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

18 ...

19 The MLD asserts that Respondent violated NRS 645B.670(1)(c)(4) by failing to disclose  
20 required information in his initial application to the MLD and in his renewal application to the  
21 MLD. For the reason discussed in Section A it is found that Respondent violated NRS  
22 645B.670(1)(c)(4) by failing to answer truthfully on his original application and on his renewal  
23 application, as well as not providing current or supplemental information as required.

24 **C. Violation of NAC 645B.505(3)(d)(5)**

25 NAC 645B.505(3)(d)(5) states:

26 **NAC 645B.505 Referral of certain suspected violations for investigation**  
27 **and action; grounds for disciplinary action. ([NRS](#)**  
28 **[645B.060](#), [645B.670](#), [645F.292](#), [645F.293](#))**

...

3. For the purposes of [NRS 645B.670](#), a mortgage agent commits a violation  
if the mortgage agent:

...

(d) Does any of the following:

...

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<sup>21</sup> MLD's Exhibit A, pages 0001-0010.



1 (5) Demonstrates a lack of financial responsibility, character and general  
2 fitness so as to lose the confidence of the community and warrant a  
3 determination that the mortgage agent will not operate honestly, fairly and  
4 efficiently for the purposes of [chapter 645B](#) of NRS.

5 ...

6 The MLD asserts that Respondent violated NAC 645B.505(3)(d)(5). Respondent made  
7 multiple misrepresentations to the MLD including submitting MU4 Forms with false and  
8 misleading information.<sup>22</sup> It is found that Respondent has demonstrated a lack of character and  
9 general fitness in violation of NAC 645B.505(3)(d)(5).

10 **D. Burden of Proof**

11 The MLD bears the burden of proof in any hearing. The standard of proof is by a  
12 preponderance of the evidence. The MLD has proven its claims against Respondent by a  
13 preponderance of the evidence. *See* NAC 645B.555.

14 **VI. ORDER**

15 THEREFORE, IT IS HEREBY ORDERED that:

16 1. Respondent shall pay an administrative fine of \$5,000.00 for his violations of  
17 NRS 645B.670(1)(a)(1), (1)(a)(2), and (1)(a)(3), NRS 645B.670(1)(c)(4), and NAC  
18 645B.505(3)(d)(5). Respondent shall pay this amount in full within sixty (60) days from the date  
19 of this Order.

20 2. Pursuant to NRS 622.400, Respondent shall pay \$6,243.00 in investigative costs  
21 within sixty (60) days from the date of this Order.

22 3. Respondent's Nevada mortgage agent license, license number 60855, NMLS ID  
23 number 320166, is hereby REVOKED.

24 DATED this 26<sup>th</sup> day of April 2021.

25 

26 MARY M. HUCK, ESQ.  
27 Hearing Officer

28 <sup>22</sup> MLD's Exhibit S, pages 0265-0279 and MLD's Exhibit T, pages 0280-0295.