

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

Before the Commissioner of the Division of Mortgage Lending

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)  
In the Matter of: )  
)  
7 **CARLTON RUSSELL KIRKPATRICK,** )  
Mortgage Loan Originator )  
8 License No. 26742, )  
9 NMLS ID No. 373809, )  
Respondent. )  
\_\_\_\_\_

Case No. 2022-006

**CONSENT ORDER**

Issued and Entered,  
As of this 4<sup>th</sup> day of January, 2024,  
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 and Chapter 645B of the Nevada Administrative Code (collectively, “the Act”), governing the licensing and conduct of mortgage agents and/or mortgage loan originators and mortgage brokers and/or mortgage companies doing business in the State of Nevada; and,

The Commissioner having been further vested with broad authority to conduct investigations to determine whether any person is violating or has violated any provision of the Act;

The Division of Mortgage Lending (“the Division”), pursuant to NRS 645B.060, having commenced an investigation into the business activities of CARLTON RUSSELL KIRKPATRICK (“RESPONDENT”), determined that RESPONDENT conducted activity in violation of the Act constituting a deceitful, fraudulent and dishonest business practice when he prepared a forged letter and submitted it in order to secure a loan for a client; and

1           RESPONDENT having been served on or about March 17, 2023, with a Notice of Intent to Issue  
2 and Enter Final Order, Revoking Mortgage Agent License, Imposing Administrative Fines, and Requiring  
3 Payment of Investigative Costs, and Notice of Opportunity for Hearing (“Notice of Intent”), providing  
4 RESPONDENT with (1) notice of facts or conduct which warrant disciplinary action against  
5 RESPONDENT, (2) a notice of opportunity for administrative hearing; and (3) a notice of an opportunity  
6 for an informal conference, prior to the commencement of formal disciplinary action, to show compliance  
7 with all lawful requirements; and,

8           RESPONDENT having exercised his right to an informal conference, and that conference having  
9 been held on July 13, 2023, attended by Division staff and Division counsel as well as RESPONDENT and  
10 RESPONDENT’S counsel, Paul C. Ray, Esq. of the firm Paul C. Ray, CHTD. At the conference  
11 RESPONDENT explained that he had no intention of violating the Act and that he thought he had authority  
12 to prepare the letter.

13           RESPONDENT now, having conferred with the Division’s counsel to resolve this matter without  
14 the time and expense of a protracted evidentiary hearing, desires to resolve this matter in full pursuant to  
15 the following terms:

- 16           1.       RESPONDENT agrees to pay the Division administrative and other costs in the amount of  
17                   \$300.00, which will be paid as set forth below in paragraph 3.
- 18           2.       RESPONDENT agrees to pay the Division an administrative fine of \$13,000.00 (the “Fine”);  
19                   however, by entering into this Consent Order, the Division agrees that \$3,000.00 shall be  
20                   paid by RESPONDENT as set forth below in paragraph 3, with the remaining \$10,000.00 of  
21                   the Fine to be held in abeyance with no payment due from RESPONDENT unless  
22                   RESPONDENT violates the Act, in which event the remainder of the Fine shall become due  
23                   upon notice from the Division to RESPONDENT. The abeyance period will last for a period  
24                   of three years from the date of the entry of this Order.
- 25           3.       Pursuant to Paragraphs 1 and 2 above, RESPONDENT is to pay the Division a total of  
26                   \$3,300.00. This amount will be paid by Respondent to the Division over the course of six  
27                   months, pursuant to a payment plan as follows:
  - 28                   a.       \$550.00 due on January 31, 2024
  - b.       \$550.00 due on February 29, 2024

- c. \$550.00 due on March 31, 2024
- d. \$550.00 due on April 30, 2024
- e. \$550.00 due on May 31, 2024
- f. \$550.00 due on June 30, 2024.

RESPONDENT, having knowingly and voluntarily affixed his signature to the attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER’S CONSENT ORDER (the “Voluntary Consent”), incorporated herein by this reference, have consented to the issuance of this Consent Order (“the Order”) with the intent to be legally bound hereby, and having waived and relinquished any and all rights that RESPONDENT may now or hereafter has to attend an administrative hearing in this matter or to judicial review thereof, or otherwise challenge or contest, the entry of this Order; and,

RESPONDENTS, having had opportunity to consult with legal counsel of his choosing concerning this matter and having done so, and;

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

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. RESPONDENT shall pay to the Division administrative and other costs in the amount of \$300.00, which will be paid as set forth below in paragraph 3.
2. RESPONDENT shall pay to the Division an administrative fine of \$13,000.00 (the “Fine”); however, by entering into this Consent Order, the Division agrees that \$3,000.00 shall be paid by RESPONDENT as set forth below in paragraph 3, with the remaining \$10,000.00 of the Fine to be held in abeyance with no payment due from RESPONDENT unless RESPONDENT violates the Act, in which event the remainder of the Fine shall become due upon notice from the Division to RESPONDENT. The abeyance period will last for a period of three years from the date of the entry of this Order.
3. Pursuant to Paragraphs 1 and 2 above, RESPONDENT shall pay the Division a total of \$3,300.00. This amount shall be paid by Respondent to the Division over the course of six months, pursuant to a payment plan as follows:
  - a. \$550.00 due on January 31, 2024
  - b. \$550.00 due on February 29, 2024

- c. \$550.00 due on March 31, 2024
- d. \$550.00 due on April 30, 2024
- e. \$550.00 due on May 31, 2024
- f. \$550.00 due on June 30, 2024.

- 4. This Order shall be and is effective and enforceable on the date that it is issued, as shown in the caption hereof.
- 5. This Order shall remain effective and enforceable until terminated, modified, set aside, or suspended in writing by the Commission.
- 6. The Commissioner specifically retains jurisdiction over the matters contained herein and has the authority to issue such further orders as she shall deem just, necessary, and appropriate to enforce this Consent Order. Notwithstanding the foregoing, nothing herein shall be construed to limit the Commissioner's authority to bring any other action against Respondent not related to the Investigation (defined in the Voluntary Consent), Notice of Intent, or this action, as necessary to enforce the provisions of the Act and to protect the public.

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: [REDACTED]

Cathy Sheehy, Commissioner