

1 STATE OF NEVADA

2 DEPARTMENT OF BUSINESS AND INDUSTRY

3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:

6 DIANE M. MILLS,

7 Respondent.

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10 **NOTICE OF INTENT TO IMPOSE FINE AND**
11 **NOTICE OF RIGHT TO REQUEST HEARING**

12 The licensing and regulation of mortgage brokers and mortgage agents in the State of
13 Nevada is governed by Chapter 645B of the Nevada Revised Statutes (hereinafter, "NRS")
14 and Chapter 645B of the Nevada Administrative Code (hereinafter, "NAC"). The State of
15 Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the
16 "DIVISION") has the general duty to exercise supervision and control over mortgage brokers
17 and mortgage agents, as well as mortgage brokering activity. See, NRS 645B.060(1), NRS
18 645B.690 (1)(a) and NRS 645B.670. Pursuant to that authority, the DIVISION makes the
19 following Findings of Fact, Conclusions of Law, and Order as follows:

20 **FACTUAL ALLEGATIONS**

21 1. On September 24, 2008, the DIVISION received a Complaint alleging PETER
22 A. MILLS engaged in loan activity (Moore/Swift) in Nevada, for which he received payment.

23 2. Upon review of the DIVISION'S records, it was found that PETER A. MILLS was
24 not licensed to operate as either a mortgage broker or mortgage agent in the State of Nevada
25 when he conducted said mortgage activity with Mayflower Financial in May 2008.

26 3. After receiving the Complaint regarding PETER A. MILLS, the DIVISION
27 commenced an investigation, the results of which established DIANE M. MILLS
28 (hereinafter "RESPONDENT") originated a loan (Lane) secured by real property through

1 Mayflower Financial for Lane in the State of Nevada without being licensed as either a
2 mortgage agent or mortgage broker in Nevada.

3 4. Upon review of the DIVISION'S records, it was found RESPONDENT was
4 previously licensed as a mortgage agent from May 25, 2005 to July 15, 2005, but not during
5 April 2008 to May 2008, when the Lane loan application was taken.

6 5. Pursuant to NRS 645B.060, the DIVISION is charged with conducting "...such
7 investigations as may be necessary to determine whether any person has violated any
8 provision of this chapter, a regulation adopted pursuant to this chapter or an order of the
9 Commissioner." See, NRS 645B.060(2)(c).

10 6. Pursuant to NRS 645B.610, the DIVISION is further charged with investigating
11 "...each violation alleged in [a] complaint..." received by the DIVISION and "...shall determine
12 from the investigation whether there is reasonable cause to believe that the [accused]
13 committed the alleged violation..." See, NRS 645B.610(1)(3).

14 7. Pursuant to NRS 645B.0127, a "mortgage broker" is defined, in pertinent part, as
15 "...a person who directly or indirectly... holds himself out for hire to serve as an agent for any
16 person in an attempt to obtain a loan which will be secured by a lien on real property..." or
17 "...holds himself out as being able to make loans secured by liens on real property..." See,
18 NRS 645B.0127(1)(a)(c).

19 8. Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a
20 natural person who... is an employee or independent contractor of a mortgage broker who is
21 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage broker
22 to engage in, on behalf of the mortgage broker, any activity that would require the person, if he
23 were not an employee or independent contractor of the mortgage broker, to be licensed as a
24 mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

25 9. Pursuant to NRS 645B.690, "...if a person offers or provides any of the services
26 of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself
27 out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at
28 the time... the person was required to have a license pursuant to this chapter and the person

1 did not have such a license... the Commissioner shall impose upon the person an
2 administrative fine of not more than \$10,000 for each violation and, if the person has a license,
3 the Commissioner shall revoke it..." See, NRS 645B.690(1)(a).

4 10. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide any
5 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or
6 hold himself out as engaging in or carrying on the business of a mortgage broker or agent
7 without first obtaining the applicable license issued pursuant to this chapter..." See, NRS
8 645B.900.

9 VIOLATIONS OF LAW

10 1. Having investigated the RESPONDENT'S conduct in this matter and received
11 competent evidence that RESPONDENT has originated a loan secured by real property in
12 the State of Nevada, it has been determined that RESPONDENT did, in fact, engage in
13 mortgage activity in the State of Nevada without a license to do so, thereby violating NRS
14 645B.690(1)(a) and NRS 645B.900.

15 ORDER

16 **NOW, THEREFORE, IT IS HEREBY ORDERED** that pursuant to NRS 645B.750, upon
17 the timely filing of an application with the Division within **twenty (20) days** of the date of this
18 Order, RESPONDENT shall be entitled to a hearing with regard to the contents of this Order.
19 At that hearing, the DIVISION will seek:

20 a. To impose a fine of Five Thousand Dollars and No Cents (\$5,000.00) for
21 RESPONDENT'S violations of NRS Chapter 645B, as well as for the DIVISION'S investigative
22 costs in the amount of Three Hundred Eighty-Five Dollars and No Cents (\$385.00) and
23 attorney's fees, if any, incurred herein, to be proven at the hearing. Should RESPONDENT
24 not request a hearing with **twenty (20) days** of the receipt of this Order, the DIVISION will enter
25 a Final Order in this matter against RESPONDENT, including such fine, costs and fees.

26 b. RESPONDENT'S payment, in full, of the investigative fine, costs and fees to
27 the DIVISION within **thirty (30) days** of entry of the Final Order
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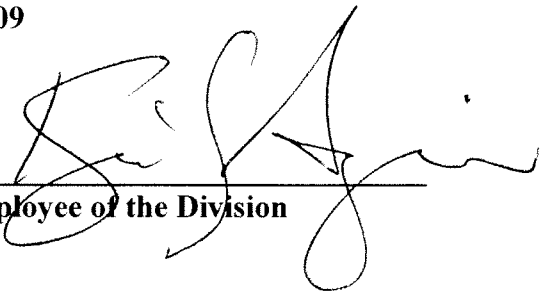
CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on April 29, 2009, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for DIANE M MILLS, addressed as follows:

**Diane M. Mills
11208 Pierre Milano St.
Las Vegas, NV 89141**

Certified Receipt Number: 7006 2760 0000 0875 9865

DATED this 28th day of April, 2009

By: 
Employee of the Division