

1 STATE OF NEVADA

2 DEPARTMENT OF BUSINESS AND INDUSTRY

3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:

6 PETER A. MILLS,

7 Respondent.

8
9
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 A.
22 MILLS (hereinafter, "RESPONDENT") engaged in loan activity (Moore/Swift) in Nevada, for
23 which he received payment.

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

27 ///

28 ///

1 3. After receiving the Complaint regarding RESPONDENT, the DIVISION
2 commenced an investigation, the results of which established RESPONDENT originated a
3 loan secured by real property for Moore/Swift in the State of Nevada without being licensed
4 as either a mortgage agent or mortgage broker in Nevada.

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

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

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

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

24 8. Pursuant to NRS 645B.690, "...if a person offers or provides any of the services
25 of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself
26 out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at
27 the time... the person was required to have a license pursuant to this chapter and the person
28 did not have such a license... the Commissioner shall impose upon the person an

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

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

8 **VIOLATIONS OF LAW**

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

14 **ORDER**

15 **NOW, THEREFORE, IT IS HEREBY ORDERED** that pursuant to NRS 645B, upon
16 written application to the Division within **twenty (20) days** of the date of this Order,
17 RESPONDENT shall be entitled to a hearing with regard to the contents of this Order. At that
18 hearing, the DIVISION will seek to impose a fine of Five Thousand Dollars and No Cents
19 (\$5,000) for RESPONDENT'S violations of NRS Chapter 645B, as well as for the DIVISION'S
20 investigative costs in the amount of Four Hundred Dollars and No Cents (\$400.00), and
21 attorney's fees, if any, incurred herein, to be proven at the hearing.

22 **IT IS FURTHER ORDERED** that the sum of said administrative fine, costs and fees be
23 paid in full within **thirty (30) days** of entry of the Final Order issued pursuant to NRS
24 645B.750(2);

25 *////*

26 *////*

27 *////*

28 *////*

1 Should RESPONDENT not request a hearing with **twenty (20) days** of the date of this Order,
2 the DIVISION will enter a Final Order in this matter against RESPONDENT, including such fine,
3 costs and fees.

4
5
6 DATED this 27th day of April, 2009.

7
8
9
10 STATE OF NEVADA
11 DEPARTMENT OF BUSINESS AND INDUSTRY
12 DIVISION OF MORTGAGE LENDING

13 By: Joseph L. Waltuch
14 JOSEPH L. WALTUCH, COMMISSIONER
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

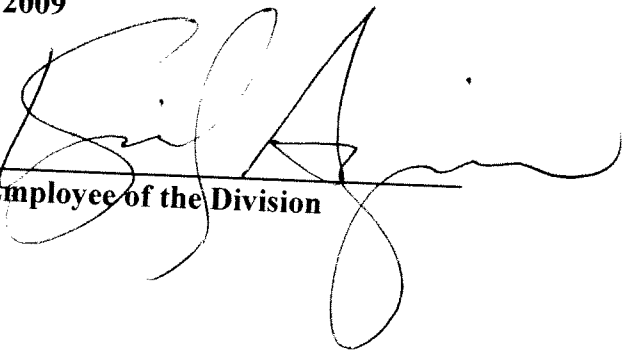
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 PETER A MILLS, addressed as follows:

Peter A. Mills
11208 Pierre Milano St.
Las Vegas, NV 89141

Certified Receipt Number: 7006 2760 0000 0875 9858

DATED this 28th day of April, 2009

By: 
Employee of the Division