STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

DIVISION OF MORTGAGE LENDING

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In re: Charmaine A. Hicks Respondent	**NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING**

The licensing and regulation of mortgage brokers, mortgage agents, mortgage bankers and escrow agencies in the State of Nevada is governed by Chapter 645B, Chapter 645E and Chapter 645A, respectively, of the Nevada Revised Statutes (hereinafter "NRS"), and Chapter 645B, Chapter 645E and Chapter 645A, respectively, of the Nevada Administrative Code (hereinafter "NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter "the Division") has the general duty to exercise supervision and control over mortgage brokers, mortgage agents, mortgage bankers and escrow agencies pursuant to these chapters. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

FACTUAL ALLEGATIONS

1. Charmaine A. Hicks (hereinafter "Respondent") is an individual.

2. On approximately August 25, 2000, the Financial Institutions Division, Department of Business and Industry, State of Nevada (hereinafter "FID") registered Respondent as a mortgage agent pursuant to Chapter 645B of NRS.

3. On approximately July 1, 2004, the Division commenced licensing and supervising mortgage brokers and mortgage agents pursuant to Chapter 645B of NRS.

4. Pursuant to NRS Chapter 645B, Respondent was issued a mortgage agent

license on approximately May 10, 2004.

5. Respondent operated within the State of Nevada pursuant to the terms of her license until July 1, 2009, when Respondent's employer, Preferred Mortgage, terminated the employment of Respondent and her license status became "inactive."

6. On June 15, 2009, the Division received a written complaint (hereinafter "Complaint") from CSJ (hereinafter "Complainant"), alleging, among other things, that in August 2005 Respondent pressured Complainant into accepting a mortgage loan for a home purchase, and that, in October 2006, Respondent falsified Complainant's employment information for the purpose of securing a refinance of Complainant's original 2005 mortgage loan.

7. Pursuant to the Nevada Revised Statutes, the Division is charged with, among other things, conducting such investigations as may be necessary to determine whether any person has violated any provision of Chapter 645B of the NRS or the regulations promulgated thereto. *See*, NRS 645B.060(2)(c).

8. Pursuant to the Nevada Administrative Code, after receiving the above-described Complaint regarding Respondent, the Division commenced its investigation of the allegations in question and, on June 19, 2009, provided a copy of the Complaint to Respondent and requested that Respondent respond, in writing, to the Complaint by July 6, 2009. *See*, NAC 645B.320(4).

9. Pursuant to the Nevada Administrative Code, receiving no response from Respondent, the Division issued a second request to Respondent on July 21, 2009 and requested that Respondent respond, in writing, to the Complaint by August 5, 2009. *See*, NAC 645B.320(4).

10. Pursuant to the Nevada Administrative Code, receiving no response from Respondent, the Division issued a third request to Respondent on August 5, 2009 and

requested that Respondent respond, in writing, to the Complaint by August 12, 2009. *See*, NAC 645B.320(4).

11. To date, Respondent has failed to respond to the Complaint.

12. Pursuant to NRS 645B.670(3)(j), for each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $10,000, may suspend, revoke or place conditions upon his license, or may do both, if the mortgage agent has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of Chapter 645B or a regulation adopted pursuant to such chapter.

VIOLATIONS OF LAW

Respondent has failed to respond to the Complaint in violation of NRS 645B.670.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to NRS 233B.121 and NRS 645B.750(2) upon the timely filing of an application with the Division within **twenty (20) days** of the date of this Order, Respondent shall be entitled to a hearing with regard to the contents of this Order. At that hearing, the Division will seek:

a. The imposition of an administrative fine against Respondent in the amount of Two Thousand Five Hundred Dollars and No Cents ($2,500.00) for Respondent's violations of NRS Chapter 645B as well as the Division's administrative costs and attorney's fees, if any, incurred herein, each to be proven at the hearing; and

b. Respondent's payment, in full, of the administrative fine, costs and fees to the Division within **thirty (30) days** of entry of the Final Order.

Should Respondent request a hearing, Respondent is advised of the following:

a) Respondent is entitled to be represented by legal counsel at its own cost and expense; b) At any hearing Respondent shall be entitled to respond and to present evidence and argument on

all issues involved; c) Requests may be made to the Commissioner for the issuance of subpoenas, however, the Commissioner may request the proposed testimony of any such person prior to the issuance of the subpoena; and d) Unless precluded by law, the parties may agree to an informal resolution or settlement prior to any hearing.

Should Respondent not request a hearing within **twenty (20) days** of the date of this Order, the Division will enter a Final Order in this matter against Respondent, as otherwise required by law.

Dated this 15th day of March, 2010.

State of Nevada
Department of Business and Industry
Division of Mortgage Lending

By: Joseph L. Waltuch
Joseph L. Waltuch, Commissioner

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 , March 19, 2010, 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 RIGHT TO REQUEST HEARING for CHARMAINE A HICKS, addressed as follows:

Charmaine A. Hicks
5450 S. Ft. Apache, #136
Las Vegas, NV 89148

Certified Receipt Number: 7008 1830 0002 7959 5789

DATED this 18th day of March, 2010

By: _____
Employee of the Division