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

In re:

Tierre Murdock,

Respondent.

NOTICE OF INTENT TO REVOKE MORTGAGE AGENT LICENSE, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING

The licensing and regulation of mortgage brokers and mortgage agents in the State of Nevada is governed by Chapter 645B of the Nevada Revised Statutes ("NRS") and Chapter 645B of the Nevada Administrative Code ("NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") has the general duty to exercise supervision and control over mortgage brokers and mortgage agents, as well as mortgage broker and mortgage agent activity. *See*, NRS 645B.060(1), NRS 645B.670 and NRS 645B.690. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

FACTUAL ALLEGATIONS

1. Based upon information and belief, Durango Mortgage, LLC ("Durango Mortgage") is a limited liability company, organized and existing under the laws of the State of Nevada since on or about May 25, 2007. Durango Mortgage's current status with the Nevada Secretary of State is "default."

2. On June 12, 2007, Durango Mortgage was issued a mortgage broker license (License No. 2874) by the Division pursuant to Chapter 645B of NRS. Durango Mortgage closed on July 1, 2008. Based upon information and belief, from approximately June 12, 2007, to approximately July 1, 2008, Durango Mortgage operated within the State of Nevada

as a licensed mortgage broker. Durango Mortgage's current status with the Division is "closed."

3. On July 6, 2000, Tierre Murdock ("Respondent") was registered with the Financial Institutions Division ("FID") and was subsequently issued a mortgage agent license (License No. 13824) by the Division pursuant to Chapter 645B of NRS on or about July 15, 2004. On and after December 23, 2007, Murdock's status with the Division was "inactive." Respondent's current status with the Division is "closed."

4. Based upon information and belief, from approximately June 28, 2007, to approximately December 23, 2007, Respondent was affiliated with, or employed by, Durango Mortgage as a licensed mortgage agent.

5. Based upon information and belief, in or around February 2008, Respondent held himself out as being a mortgage agent licensed by the Division pursuant to Chapter 645B of NRS and affiliated with, or employed by, Durango Mortgage in connection with a loan transaction involving borrower VM ("the VM loan transaction").

6. On April 7, 2008, the Division received a written complaint ("Complaint") from Respondent against Durango Mortgage, which, in part, admitted that Respondent was originating the VM loan while Respondent was unlicensed.

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

8. Pursuant to NRS 645B.060, the Division is further charged with conducting "...such other investigations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents...." *See*, NRS 645B.060(2)(e).

9. Pursuant to NRS 645B.610, if a person properly files a complaint with the Division, the Division is further charged with investigating "...each violation alleged in the complaint..." and the Division "...shall determine from the investigation whether there is reasonable cause to believe that the person committed the alleged violation...." *See*, NRS 645B.610(1), (3).

10. Pursuant to NRS 645B.900, unless a person is exempt from Chapter 645B of NRS and complies with exemption requirements, "(i)t is unlawful for any person to offer or provide any of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent without first obtaining the applicable license issued pursuant to this chapter...."

11. After receiving Respondent's Complaint against Durango Mortgage, the Division commenced an investigation of the allegations of the Complaint. On May 2, 2008, Tony Frascarelli ("Frascarelli"), currently Chief Investigator of the Division, e-mailed questions relating to the VM loan transaction to Respondent. In his e-mail response to Frascarelli on May 29, 2008, a true and correct copy of which (except for redacted borrower identification information) is attached hereto as **Exhibit "A"** and incorporated herein by reference as though set forth in full, Respondent confirmed that in or around February 2008, he took loan application information for borrower VM, "collected stips, sent disclosures, ordered appraisal, submitted to lender, got conditions and met funding conditions...;" and worked on the VM loan.

12. Further, the Division received a copy of a memorandum to the file signed by Jennifer Tymczyn and Vickie Shales of Durango Mortgage on April 4, 2008, regarding the VM loan transaction, indicating that on April 1, 2008, when Respondent delivered the completed loan package to Durango Mortgage for the VM loan, Respondent told Shales that he was not licensed at the time of the VM loan transaction.

13. The Division's investigation revealed, among other things, that:

a. Respondent's mortgage agent license became inactive on December 23, 2007;

b. Respondent originated, processed and closed the VM loan in or around February 2008;

c. Respondent did not involve Durango Mortgage in the VM loan transaction; and

d. At the time that Respondent originated, processed and closed the VM loan transaction in or around February 2008, Respondent was neither licensed as a mortgage agent pursuant to Chapter 645B of NRS nor affiliated with, or employed by, Durango Mortgage, Respondent's affiliation with, or employment by, Durango Mortgage having terminated on approximately December 23, 2007.

14. Pursuant to NRS 645B.690, "(i)f a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time...(t)he person was required to have a license pursuant to this chapter and the person did not have such a license...the Commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and if the person has a license, the Commissioner shall revoke it...." *See*, NRS 645B.690(1)(a).

16. Pursuant to NRS 645B.670, "(f)or each violation committed...whether or not he is issued a license, the Commissioner may impose...an administrative fine of not more than $10,000..." if there has been a violation of "any provision of this chapter, a regulation adopted pursuant to this chapter...." *See*, NRS 645B.670(1)(c).

////

////

VIOLATIONS OF LAW

After investigating this matter, it has been determined that:

a. In or around February 2008, on multiple occasions, Respondent offered or provided unlicensed mortgage agent services, and otherwise engaged in, carried on or held himself out as engaging in or carrying on the business of a mortgage agent affiliated with, or employed by, Durango Mortgage, by discussing loan terms, taking loan application information, collecting "stips," sending disclosures, ordering a property appraisal, submitting loan documents to a lender, and getting funding conditions met, in violation of NRS 645B.400 and NRS 645B.900;

b. By offering or providing unlicensed mortgage agent services, and otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a mortgage agent affiliated with, or employed by, Durango Mortgage, Respondent engaged in a deceitful, fraudulent or dishonest business practice, in violation of NRS 645B.670(3)(h); and

c. By holding himself out as engaging in or carrying on the business of a mortgage agent without a license to do so, Respondent made a material misrepresentation in connection with the VM loan transaction, in violation of NRS 645B.670(3)(b).

ORDER

NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS, pursuant to NRS 645B.750, that upon written application to the Division within **twenty (20) days** of the date of this Order, Respondent shall be entitled to a hearing with regards to the contents of this Order referenced below. At that hearing the Division will seek to:

1. Revoke Respondent's mortgage agent license, as required by NRS 645B.690(1)(a), for Respondent's multiple violations of NRS 645B.400 and NRS 645B.900;

2. Impose an administrative fine against Respondent in the amount of Two Thousand Five Hundred Dollars and No Cents ($2,500.00) for Respondent's multiple violations of

Chapter 645B of NRS, the Division's investigative costs in the amount of Four Hundred Forty-Seven Dollars and No Cents ($447.00) as well as the Division's attorney's fees and costs, if any, incurred herein, each to be proven at the hearing; and

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

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 required by NRS 645B.750(2).

Dated this 19th day of May, 2009.

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

By: Joseph L. Waltuch
JOSEPH L. WALTUCH, COMMISSIONER

EXHIBIT “A”

From: TIERRE MURDOCK [mailto:mortgageguy1@yahoo.com]
Sent: Thursday, May 29, 2008 9:59 AM
To: Tony Frascarelli
Subject: Fw: Durango Mortgagae complaint

Hi Tony;
I was wondering what was the status of the complaint I filed, it's been almost 2 months and they told me a few weeks originally, can you advise?

---- Forwarded Message ----
From: TIERRE MURDOCK <mortgageguy1@yahoo.com>
To: Tony Frascarelli <tfrascarelli@mld.nv.gov>
Sent: Monday, April 28, 2008 12:14:22 PM
Subject: Re: Durango Mortgagae complaint

Hi Tony;

To answer your questions

1. Explain what I did to originate the loan
The Borrower is a friend of mine and we originally spoke about doing the loan late last year but she wasn't ready to do it yet till around February.

2. What services did you perform?
I took the application, collected stips, sent disclosures, ordered appraisal, submitted to lender, got conditions and met funding conditions.

3. Since your licens had expired, wee you still working in the office?
For the most part I've worked in and out of the office over the past 2 years, on this file I worked on it in the office maybe 1-2 days.

4. Who signed the 1003?
I did Tierre Murdock

5. Who is the borrower and how did you meet him/her?
The Borrower is [illegible] and she is a fiend of mine, I've known her for 3 years.

I hope this answers your questions, thank you for your time Tony.

Tierre Murdock

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 May 21, 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 REVOKE MORTGAGE AGENT LICENSE, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for TIERRE MURDOCK, addressed as follows:

Tierre Murdock
11838 Bella Luna Street
Las Vegas, NV 89183

Certified Receipt Number: 7006 2760 0000 0876 4784

DATED this 20th day of May, 2009

By: Susan Slack
Employee of the Division