

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

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

\* \* \*

In re:  
BRAD DEWITT CARR, JR.,  
Respondent.

**FINAL ORDER**

The State of Nevada, Department of Business and Industry, Division of Mortgage Lending Division (hereinafter, the "DIVISION"), having served the Respondent, BRAD DEWITT CARR, JR., hereinafter, "RESPONDENT") on 12/12/2008, with its Notice of Intent to Impose Fine and Notice of Intent to Revoke Mortgage Agent License and Notice of Right to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by reference, which notified RESPONDENT that a final order would issue in this matter unless, within twenty (20) days of entry and receipt of said Order, RESPONDENT requested a hearing to contest the charges against it, with said request to be made in writing, and;

Said Order having been sent to RESPONDENT via certified mail and regular mail and received by RESPONDENT on 12/13/2008, and;

RESPONDENT having failed to request a hearing in this matter, and good cause appearing:

///  
///  
///

1 ///

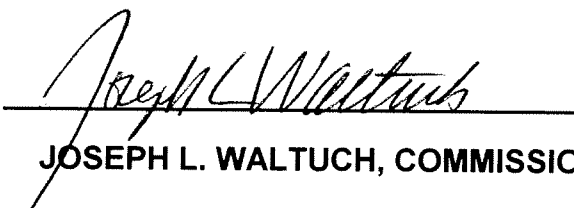
2 **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670(3) and NRS 645B.750,  
3 RESPONDENT'S mortgage agent license in the State of Nevada is **REVOKED**.

4 **IT IS FURTHER ORDERED** that, pursuant to NRS 645B.670, RESPONDENT will be  
5 subject to an administrative fine in the amount of FIFTEEN THOUSAND DOLLARS  
6 (\$15,000.00).

7 **IT IS FURTHER ORDERED** that the sum of said administrative fine be paid in full within  
8 **thirty (30) days** of entry of the instant Order.

9 Dated this 15th day of January, 2009.

10  
11 **STATE OF NEVADA**  
12 **DEPARTMENT OF BUSINESS AND INDUSTRY**  
13 **DIVISION OF MORTGAGE LENDING**

14  
15  
16  
17 By:   
18 **JOSEPH L. WALTUCH, COMMISSIONER**  
19

# **EXHIBIT “1”**

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

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

In re:

Brad Dewitt Carr, Jr.,  
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. Kemper Mortgage, Inc. ("Kemper"), is an Illinois corporation. On July 21, 2005, Kemper was issued a mortgage broker license pursuant to Chapter 645B of NRS. Kemper operated within the State of Nevada as a licensed mortgage broker until its license expired on June 30, 2008, for failure to renew. See, NRS 645B.050(1).

2. On June 22, 2007, Brad Dewitt Carr, Jr. ("Respondent") was issued a mortgage agent license pursuant to Chapter 645B of NRS. Respondent's mortgage agent license expired on June 22, 2008, for failure to renew. See, NRS 645B.430(1).

1           3. At relevant times herein mentioned, Respondent was employed by, or associated  
2 with, Kemper.

3           4. On July 24, 2007, the Division received a complaint from John Stone ("Stone"),  
4 alleging, among other things, that Respondent had misrepresented the terms of a loan.

5           5. Pursuant to NRS 645B.400, "(a) person shall not act as or provide any of the  
6 services of a mortgage agent or otherwise engage in, carry on or hold himself out as  
7 engaging in or carrying on the activities of a mortgage agent unless the person has a license  
8 as a mortgage agent issued pursuant to NRS 645B.410." See, NRS 645B.400.

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

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

19           8. Pursuant to NRS 645B.610, the Division is also charged with investigating "...each  
20 violation alleged in [a] complaint..." received by the Division and "...shall determine from the  
21 investigation whether there is reasonable cause to believe that the person committed the  
22 alleged violation...." See, NRS 645B.610(1), (3).

23           9. Pursuant to NRS 645B.060, the Division is further charged with conducting "...such  
24 other investigations, periodic or special audits, investigations and hearings as may be  
25 necessary for the efficient administration of the laws of this State regarding mortgage brokers  
26  
27  
28

1 and mortgage agents....” See, NRS 645B.060(2)(e).

2 10. After receiving the above-described Stone complaint regarding Respondent, the  
3 Division conducted an investigation of the allegations in question. This investigation revealed  
4 the following:

5 a. On February 5, 2007 (i.e., before Respondent was issued a mortgage agent  
6 license), Kemper hired Respondent as a full-time, commissioned mortgage agent. See  
7 Kemper’s Personnel Action Form regarding Respondent, a true and correct copy of which  
8 (except for Respondent’s redacted social security number) is attached hereto as **Exhibit “A”**  
9 and incorporated herein by reference as though set forth in full.  
10

11 b. Before Respondent was issued a mortgage agent license, on multiple  
12 occasions Respondent offered or provided services of a mortgage agent, as follows:

13 (i) In April 2007, after receiving a solicitation for a loan from Kemper,  
14 Stone contacted Kemper about refinancing an existing 20-year fixed rate loan to a 30-year  
15 fixed rate loan. Stone was referred to Respondent, who held himself out as a mortgage agent  
16 associated with, or employed by, Kemper and offered or provided services of a mortgage  
17 agent in a loan transaction involving Stone. On May 1, 2007, Respondent sent a notary  
18 public and loan documents to the Stone residence for execution. At that time, the notary  
19 public pointed out that the note reflected a 15-year loan with a balloon payment, not a 30-year  
20 fixed rate loan as Stone had requested. Stone alleges that Respondent baited and switched  
21 the loan, failed to send out disclosure information, and misrepresented the loan terms.  
22

23 (ii) Respondent offered or provided services of a mortgage agent in a  
24 mortgage loan transaction involving James Brown and Amelita Brown that closed on March  
25 15, 2007.  
26

27 (iii) Respondent offered or provided services of a mortgage agent in a  
28 mortgage loan transaction involving Jerome S. Catalano and Pauline A. Catalano that closed

1 on March 23, 2007.

2 (iv) Respondent offered or provided services of a mortgage agent in a  
3 mortgage loan transaction involving Ryan Greenwall that closed on June 5, 2007.

4 11. Prior to Respondent being issued a mortgage agent license, Respondent received  
5 commissions or compensation from Kemper for offering or providing mortgage agent  
6 services. See Respondent's pay stubs, true and correct copies of which (except for redacted  
7 digits of Respondent's social security number) are attached hereto as **Exhibit "B"** and  
8 incorporated herein by reference as though set forth in full.

9  
10 12. Pursuant to NRS 645B.690, "(i)f a person offers or provides any of the services of  
11 a ...mortgage agent or otherwise engages in, carries on or holds himself out as engaging in or  
12 carrying on the business of a...mortgage agent and, at the time...(t)he person was required to  
13 have a license pursuant to this chapter and the person did not have such a license...the  
14 Commissioner shall impose upon the person an administrative fine of not more than \$10,000  
15 for each violation and if the person has a license, the Commissioner shall revoke it...." See  
16 NRS 645B.690(1)(a).

17  
18 13. Pursuant to NRS 645B.670, "(f)or each violation committed by a mortgage agent,  
19 the Commissioner may impose upon the mortgage agent an administrative fine of not more  
20 than \$10,000, may suspend, revoke or place conditions upon his license, or may do both, if  
21 the mortgage agent, whether or not acting as such...(h)as made a material misrepresentation  
22 in connection with any transaction governed by this chapter...(h)as engaged in any other  
23 conduct constituting a deceitful, fraudulent or dishonest business practice...(h)as violated any  
24 provision of this chapter, a regulation adopted pursuant to this chapter or an order of the  
25 Commissioner or has assisted or offered to assist another person to commit such a violation."  
26 See, NRS 645B.670(3)(b), (h), (j).

27  
28 ////

**VIOLATIONS OF LAW**

1  
2 After investigating this matter, it has been determined that Respondent engaged in  
3 multiple instances of unlicensed mortgage agent activity between February 5, 2007, and June  
4 22, 2007, in violation of NRS 645B.400 and NRS 645B.900.

**ORDER**

6 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS 645B.750,  
7 upon the timely filing of an application with the Division within **twenty (20) days** of the date of  
8 this Order, Respondent shall be entitled to a hearing with regard to the contents of this Order.

9 At that hearing, pursuant to NRS 645B.690(1)(a), the Division will seek:

10  
11 a. To revoke Respondent's mortgage agent license for Respondent's violations of  
12 NRS 645B.400 and NRS 645B.900;

13 b. The immediate surrender of Respondent's mortgage agent license;

14 c. The imposition of an administrative fine against Respondent in the amount of  
15 Fifteen Thousand Dollars and No Cents (\$15,000.00) for Respondent's violations of NRS  
16 Chapter 645B, as well as the Division's administrative costs and attorney's fees, if any, incurred  
17 herein, each to be proven at the hearing; and

18  
19 d. Respondent's payment, in full, of the administrative fine, costs and fees to the  
20 Division within **thirty (30) days** of entry of the Final Order.

21 Should Respondent not request a hearing within **twenty (20) days** of the date of this  
22 Order, the Division will enter a Final Order in this matter against Respondent, as required by  
23 NRS 645B.750(2).

24 ////

25 ////

26 ////

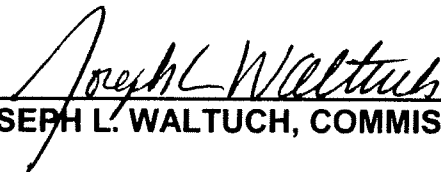
27 ////



1 Respondent is advised that the provisions of this Order are effective immediately upon  
2 entry of this Order, whether or not Respondent requests a hearing.

3  
4 Dated this 11<sup>th</sup> day of December, 2008.

5 **STATE OF NEVADA**  
6 **DEPARTMENT OF BUSINESS AND INDUSTRY**  
7 **DIVISION OF MORTGAGE LENDING**

8 By:   
9 **JOSEPH L. WALTUCH, COMMISSIONER**

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT “A”**

**EMPER MORTGAGE, INC.**  
**PERSONNEL ACTION FORM**

Employee Name BREAN D CARP JR  
Company Location Las Vegas  
Effective Date 1-31-07

Reason for Submitting Form

- New Hire
- Rehire
- Promotion
- Transfer
- Other
- Info Change
- Pay Change
- LON/Other Absences
- Termination
- Vacation

Job Title Loan Officer New Hire/General Information

Street Address 257 Finestra Dr  
Apt./P. O. Box # \_\_\_\_\_  
City, State, Zip Henderson, NV 89074  
Emergency Contact Stephanie Carr  
Supervisor Matt Edwards  
Standard (FT, PT, T) PT, T Salary Commission  
Starting Pay \$ \_\_\_\_\_

SS# \_\_\_\_\_  
Hire Date 2-5-07  
Birth Date 5-11-74  
Phone (760) 808-5192  
Phone (760) 591-3025  
EEOC Code \_\_\_\_\_  
Keys Issued \_\_\_\_\_  
Auto Allowance \_\_\_\_\_

Termination

Code \_\_\_\_\_  
Last Day Worked \_\_\_\_\_  
Eligible for Rehire \_\_\_\_\_  
Vacation Pay Due (HR) \_\_\_\_\_  
Returned: \_\_\_\_\_ Keys \_\_\_\_\_ Handbook \_\_\_\_\_  
Comments: \_\_\_\_\_

Leave of Absence

\_\_\_\_ Vacation \_\_\_\_\_ Other Absence \_\_\_\_\_  
Reason \_\_\_\_\_  
Last Day Worked \_\_\_\_\_ Date Returned \_\_\_\_\_  
# Days Paid \_\_\_\_\_  
Comments: \_\_\_\_\_

Status Change

Company Location \_\_\_\_\_  
From \_\_\_\_\_ To \_\_\_\_\_  
Status (FT, PT, T) \_\_\_\_\_  
Salary: From \_\_\_\_\_ To \_\_\_\_\_

Payroll Use Only

Employee # \_\_\_\_\_  
Payroll Manager \_\_\_\_\_

Approvals

Employee Signature Brean D Carp Jr  
Supervisor Signature Glenn Park

Date 1-31-07  
Date 1/31/07

# **EXHIBIT “B”**

REDFER MORTGAGE INC				Payroll Check: 7498				Period Ending: 04/01/88				Pay Date: 03/28/88	
E E S 11347		Sred Car		DEPT 8 '88				SEN [REDACTED]		FITWEN S I		NY S I	
EARNING	RATE	HOURS	CURRENT \$		DEDUCTION	CURRENT \$		TAX	CURRENT \$		ACCUMULATED BENEFITS		
REG	8.15	63.00	517.45		APPROPOST	700.00		FITWEN	0.00				
OT	9.275	9.00	83.48					MED	20.17				
								SOC					
								NY					
TOTALS		72.00	600.93			700.00			20.17		234.48		

1st Pay Stub

NUMBER MORTGAGE INC

Payroll Check 7699

Printed Ending: 0428/1000

Pay Date: 08/20/2007

SS # 11247 Spis Case			LEPT # 100			SSN [REDACTED]			# TWN # 1			NV # 1	
EARNINGS	RATE	HOURS	CURRENT \$		DEDUCTION	CURRENT \$		TAX	CURRENT \$		ACCUMULATED	REMARKS	
REG	6.15	154.00	937.10										
OT	9.225	21.30	198.00		APPRO POSIT	200.00		F TWN	54.72				
Comms			507.75					MED	10.00				
Recess			(507.75)					SOC	70.00				
								NY					
<b>TOTALS</b>		<b>175.30</b>	<b>1,443.15</b>			<b>200.00</b>			<b>152.17</b>			<b>700.00</b>	

ADDPER MORTGAGE INC

Payroll Class 7488

Period Ending: 08/31/2007

Pay Date: 09/04/2007

FE # 11247		Snd Cas		DEPT # 100		SSN		FITW# # 1		NY # 1	
EARNING	RATE	HOURS	CURRENT \$		DEDUCTION	CURRENT \$	TAX	CURRENT \$	ACCRUED BENEFITS		
Reg	0.13	80.00	104.00								
OT	0.25	0.00	0.00		APPROPOST	200.00					
Comm			8,308.14				FITW#	1,336.40			
Recep			(1,244.77)				MED	88.13			
							SOC	388.38			
							NY				
<b>TOTALS</b>		<b>80.00</b>	<b>1,040.23</b>			<b>200.00</b>		<b>1,812.91</b>	<b>1,030.51</b>		

RESPER BORTAGE INC

PE # 11267 Brad Carr

Payroll Check: 7000

Period Ending 06/30/2007

Pay Date: 06/19/2007

EARNING	RATE	HOURS/PERY	CURRENT \$	DEDUCTION	CURRENT \$	TAX	FITING \$		ACCRUED BENEFITS
Reg	8.16	163.80	1,338.48						
OT	8.775	7.75	67.74						
						FITING	30.00		
						MED	18.87		
						BOC	28.50		
						HW			
TOTALS		171.55	1,406.22				77.37		104.87



KESPER MORTGAGE INC				DEPT 0 100		Period Ending: 05/01/2007		Pay Date: 05/01/2007	
1 & S 11267 Brad Cap				SSN: [REDACTED]		7/700- 5 1		No 5 1	
EARNINGS	RATE	HOURS/UNIT	CURRENT \$	DEDUCTION	CURRENT \$	TAX	CURRENT \$	ACCRUED BENEFITS	
REG	8.10	171.00	1,387.00	DEATH/DBND	10.01	STATE	40.37		
OT	9.720	2.25	20.70	ME DBND	120.44	MBD	13.10		
				HEALTH/DBND	7.40	SDC	10.20		
						NY			
<b>TOTALS</b>		<b>173.25</b>	<b>1,407.71</b>		<b>147.85</b>		<b>130.67</b>	<b>700.00</b>	

KLEPPER MORTGAGE INC				Payroll Check 7898		Period Ending: 07/31/2007		Pay Date: 07/16/2007	
EE 0 11247 Brad Cox				DEPT 0 100		SSN: [REDACTED]		P.YEAR 0 1	
EARNING	RATE	HOURS/PT	CURRENT \$	DEDUCTION	CURRENT \$	TAX	CURRENT \$	ACCRUED BENEFITS	RV \$ 1
Reg	0.15	154.25	940.94	DENTAL/CRMG	18.01		37.00		
OT	0.775	10.50	80.80	MED CRMG	150.00		12.77		
Comp			2,751.22	VIS CRMG	7.40		34.82		
Retire			(2,751.22)						
<b>TOTALS</b>		<b>164.75</b>	<b>1,069.94</b>		<b>94.54</b>		<b>84.59</b>		<b>775.00</b>

SEMPER MORTGAGE INC											
E E S 11201 Brad Cox		DEPT 0100			Payroll Check: 70600		Period Ending: 10/31/2007		Pay Date: 10/10/2007		
BAIRING	RATE	HOURS	CURRENT \$		DEDUCTION	CURRENT \$	TAX	CURRENT \$	ACCUMULATED BENEFITS		
REG	8.10	167.25	1,328.90								
OT	9.725	17.00	156.60		DEATH/DBND	18.61	FICA	88.14			
C Comm			1,872.00		ME DBND	120.44	MED	18.00			
Re-cap			(1,887.79)		VIS DBND	7.40	SOC	88.35			
							NV				
<b>TOTALS</b>		184.25	1,479.13			184.54		186.72			100.87

*Last Pay stub*