

1 STATE OF NEVADA
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:
6 YASMIT REQUENA,
7 Respondent.

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10 **FINAL ORDER**

11 The State of Nevada, Department of Business and Industry, Division of Mortgage
12 Lending Division (hereinafter, the "DIVISION"), having served the Respondent, YASMIT
13 REQUENA, (hereinafter, "RESPONDENT") on February 6, 2009, with its Notice of Intent to
14 Revoke Mortgage Agent License and Notice of Intent to Impose Fine and Notice of Right to
15 Request Hearing, attached hereto as Exhibit "1" and incorporated herein by reference, which
16 notified RESPONDENT that a final order would issue in this matter unless, within twenty (20)
17 days of entry and receipt of said Order, RESPONDENT requested a hearing to contest the
18 charges against it, with said request to be made in writing, and;

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20 Said Order having been sent to RESPONDENT via certified mail and regular mail, and
21 received by RESPONDENT on February 12, 2009, and;

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

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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 FIVE THOUSAND DOLLARS (\$5,000.00).

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

8 Dated this 6th day of March, 2009.

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

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15
16 By: Joseph L. Waltuch
17 **JOSEPH L. WALTUCH, COMMISSIONER**

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EXHIBIT “1”

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

In re:

YASMIT REQUENA,

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. YASMIT REQUENA ("RESPONDENT") was a licensed mortgage agent for First American Mortgage beginning September 7, 2007 until October 21, 2008 when RESPONDENT was terminated from employment. Prior to RESPONDENT'S termination, on August 22, 2008 RESPONDENT unlawfully submitted and requested credit information pertaining to Gloria Velez Soto under false pretense and without Ms. Soto's knowledge, permission, or signature, in violation of 15 United States Code § 1681q and First American Mortgage's policy.

2. On October 6, 2008, the Division received a complaint from Rafael Carrasquillo and

1 Gloria Velez Soto, alleging the RESPONDENT had engaged in fraudulent credit reporting
2 activity leading to the identity theft of Gloria Velez Soto.

3 3. The Division investigated the complaint and RESPONDENT admitted she ran a
4 potential customer's credit report (Gloria Soto's) without her permission as a favor to her
5 cousin Rodolfo Alvarez and not for mortgage business purposes associated with First
6 American Mortgage. Rodolfo Alvarez then gave that information to Sergio Gomez.

7 4. Pursuant to NRS 645B.670 (3)(h) "For each violation committed by a mortgage
8 agent, the Commissioner may impose upon the mortgage agent an administrative fine of not
9 more than \$10,000, may suspend, revoke or place conditions upon his license, or may do
10 both, if the mortgage agent, whether or not acting as such...(h)as engaged in any other
11 conduct constituting a deceitful, fraudulent or dishonest business practice." See, NRS
12 645B.670(3)(h).
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14 VIOLATIONS OF LAW

15 After investigating this matter, it has been determined that RESPONDENT engaged in
16 conduct constituting a deceitful, fraudulent or dishonest business practice when on August
17 22, 2008 RESPONDENT knowingly and willingly obtained information on a consumer (Soto)
18 from a consumer reporting agency under false pretense, in violation of 15 U.S.C. § 1681q.
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20 ORDER

21 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS 645B.750,
22 upon the timely filing of an application with the Division within **twenty (20) days** of the date of
23 this Order, RESPONDENT shall be entitled to a hearing with regard to the contents of this
24 Order. At that hearing, pursuant to NRS 645B.670(3) the Division will seek:

25 a. To revoke RESPONDENT'S mortgage agent license for RESPONDENT'S
26 violations of NRS 645B.670 (h);
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1 b. The imposition of an administrative fine against RESPONDENT in the amount
2 of Five Thousand Dollars and No Cents (\$5,000.00) for RESPONDENT'S violations of NRS
3 Chapter 645B, as well as the Division's administrative costs of \$300.00 and attorney's fees, if
4 any, incurred herein, to be proven at the hearing; and

5 d. RESPONDENT'S payment, in full, of the administrative fine, costs and fees to
6 the Division within **thirty (30) days** of entry of the Final Order. .

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

10 Dated this 4th day of February, 2009.

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

15 By: Joseph L. Waltuch
16 **JOSEPH L. WALTUCH, COMMISSIONER**
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