

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 and, upon information and belief,
13 continues to engage in such activity, thereby violating NRS 645B.690(1)(a) and NRS
14 645B.900.

15 ORDER

16 **NOW, THEREFORE,** pursuant to NRS 622.080 and NAC 645B.340, the
17 **COMMISSIONER** of the **DIVISION** **HEREBY ORDERS** that **RESPONDENT CEASE AND**
18 **DESIST** from conducting any and all unlicensed mortgage brokering and/or agent activity in the
19 State of Nevada.

20 **IT IS FURTHER ORDERED,** pursuant to NAC 645B.340(4), that upon filing a verified
21 petition with the Division within **thirty (30) days** of receipt of this Order to Cease and Desist,
22 Respondent shall be entitled to a hearing with regard to the contents of this Order to Cease
23 and Desist. Respondent is advised, however, that the provisions of this Order to Cease and
24 Desist are effective immediately upon Respondent being served therewith, whether or not
25 Respondent requests a hearing.

26 **NOTICE TO RESPONDENT:** If you request a hearing, you are specifically informed
27 that you have the right to appear and be heard in your defense, either personally or through
28 your counsel of choice at your own expense. At the hearing, if one is timely requested, the

1 Division will call witnesses and present evidence against you. You have the right to respond
2 and to present relevant evidence and argument on all issues involved. You have the right to
3 call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any
4 matter relevant to the issues involved.

5 If the Division prevails at any hearing, it may request that attorney's fees and costs be
6 awarded pursuant to NRS 622.400.

7 **IT IS HEREBY ORDERED** that pursuant to NRS 645B, upon written application to the
8 Division within **twenty (20) days** of the date of this Order, RESPONDENT shall be entitled to a
9 hearing with regard to the contents of this Order referenced below. At that hearing, the
10 DIVISION will seek to:

11 1. Impose a fine of Five Thousand Dollars and No Cents (\$5,000) for RESPONDENT'S
12 violations of NRS Chapter 645B, as well as for the DIVISION'S investigative costs in the amount
13 of Four Hundred Dollars and No Cents (\$400.00), and attorney's fees, if any, incurred herein, to
14 be proven at the hearing.

15 2. Require RESPONDENT'S payment, in full, of the administrative fine, investigative
16 costs and fees be paid in full within **thirty (30) days** of entry of the Final Order issued pursuant
17 to NRS 645B.750(2);

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

21 DATED this ^{5th} day of May, 2009.

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23
24 **STATE OF NEVADA**
25 **DEPARTMENT OF BUSINESS AND INDUSTRY**
26 **DIVISION OF MORTGAGE LENDING**

27 By: *Joseph L. Waltuch*
28 **JOSEPH L. WALTUCH, COMMISSIONER**

CERTIFICATE OF SERVICE

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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 7, 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, ORDER TO CEASE AND DESIST, 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 0876 4913

DATED this 6th day of May, 2009

By: Susan Slack
Employee of the Division