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

\* \* \*

In re:  
BRIGET BARNES,  
Respondent.

**ORDER TO CEASE AND DESIST AND  
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 (hereinafter, "NRS") and Chapter 645B 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 and mortgage agents, as well as mortgage brokering activity. See, NRS 645B.060(1), NRS 645B.690 (1)(a) and NRS 645B.670. Pursuant to that authority, the DIVISION makes the following Findings of Fact, Conclusions of Law, and Order as follows:

**FACTUAL ALLEGATIONS**

1. Upon information and belief, BRIGET BARNES (hereinafter, "RESPONDENT") has neither sought nor obtained licensure as a mortgage broker or mortgage agent within the State of Nevada.
2. The DIVISION received a Complaint on October 11, 2007 concerning the unlicensed mortgage agent activities of RESPONDENT in relation to a mortgage loan obtained by Jordan for the purchase of real property located in Henderson, Nevada.

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

5           4. Pursuant to NRS 645B.610, the DIVISION is further charged with investigating  
6 "...each violation alleged in [a] complaint..." received by the DIVISION and "...shall determine  
7 from the investigation whether there is reasonable cause to believe that the [accused]  
8 committed the alleged violation..." See, NRS 645B.610(1), (3).

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

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. After receiving the Complaint regarding RESPONDENT, the DIVISION  
25 commenced an investigation, during which evidence was gathered which indicated that  
26 RESPONDENT had engaged in mortgage brokering activity within the State of Nevada, despite  
27 her lack of a license to do so.  
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1           9. Pursuant to NRS 645B.020, "...a person who wishes to be licensed as a  
2 mortgage broker must file a written application for a license with the Office of the Commissioner  
3 and pay the fee required pursuant to NRS 645B.050..." See, NRS 645B.020(1).

4           10. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide any  
5 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or  
6 hold himself out as engaging in or carrying on the business of a mortgage broker or agent  
7 without first obtaining the applicable license issued pursuant to this chapter..." See, NRS  
8 645B.900.

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

#### VIOLATIONS OF LAW

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17           Having investigated and received competent evidence, it has been determined that  
18 RESPONDENT has engaged in mortgage brokering activity in the State of Nevada without a  
19 license to do so and, upon information and belief, continues to engage in such activity,  
20 thereby violating NRS 645B.690 (1)(a) and NRS 645B.900.

#### ORDER

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22           **NOW, THEREFORE**, pursuant to NRS 622.080 and NAC 645B.340, the  
23 **COMMISSIONER** of the **DIVISION HEREBY ORDERS** that RESPONDENT **CEASE AND**  
24 **DESIST** from conducting any and all unlicensed mortgage brokering activity in the State of  
25 Nevada.

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27           **IT IS FURTHER ORDERED**, pursuant to NAC 645B.340(4), that upon filing a verified  
28 petition with the Division within **thirty (30) days** of receipt of this Order to Cease and Desist,

1 RESPONDENT shall be entitled to a hearing with regard to the contents of this Order to  
2 Cease and Desist. RESPONDENT is advised, however, that the provisions of this Order to  
3 Cease and Desist are effective immediately upon RESPONDENT being served therewith,  
4 whether or not RESPONDENT requests a hearing.

5 **NOTICE TO RESPONDENT:** If you request a hearing, you are specifically informed  
6 that you have the right to appear and be heard in your defense, either personally or through  
7 your counsel of choice at your own expense. At the hearing, if one is timely requested, the  
8 Division will call witnesses and present evidence against you. You have the right to respond  
9 and to present relevant evidence and argument on all issues involved. You have the right to  
10 call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any  
11 matter relevant to the issues involved.

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

14 **IT IS HEREBY FURTHER ORDERED** that pursuant to NRS 645B.750(2), upon written  
15 application to the Division within **twenty (20) days** of the date of this order, RESPONDENT  
16 shall be entitled to a hearing with regard to the contents of this Order referenced below. At that  
17 hearing, the DIVISION will also seek to:

18 1. Impose a fine of Five Thousand Dollars and No Cents (\$5,000.00) for  
19 RESPONDENT'S violation of NRS 645B.690, as well as for the DIVISION'S investigative costs  
20 in the amount of Six Hundred and Sixty Dollars and No Cents (\$660.00), and attorneys fees, if  
21 any, incurred herein, to be proven at the hearing.

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

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

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5           Dated this 11<sup>th</sup> day of May, 2009.

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7                                   **STATE OF NEVADA**  
8                                   **DEPARTMENT OF BUSINESS AND INDUSTRY**  
9                                   **DIVISION OF MORTGAGE LENDING**

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11                                   By: *Joseph L. Waltuch*  
12                                   **JOSEPH L. WALTUCH, COMMISSIONER**

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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 13, 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 AND NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for BRIGET BARNES, addressed as follows:

Briget Barnes  
5069 Wright View Avenue  
Las Vegas, NV 89120

Certified Receipt Number: 7006 2760 0000 0876 4944

DATED this 11th day of May, 2009

By: Susan Slack  
Employee of the Division