

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

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5 In re:  
6 DIANE M. MILLS,  
7 Respondent.

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10 FINAL ORDER

11 The State of Nevada, Department of Business and Industry, Division of Mortgage  
12 Lending (hereinafter, the "Division"), having served the Respondent, DIANE M. MILLS,  
13 (hereinafter, "Respondent") on April 27, 2009, with its Notice of Intent to Impose Fine and  
14 Notice of Right to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by  
15 reference, which notified Respondent that a final order would issue in this matter unless,  
16 within twenty (20) days of entry and receipt of said Order, Respondent requested a hearing to  
17 contest the charges against it, with said request to be made in writing, and;

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19 Said Order having been sent to Respondent via certified mail and regular mail, and  
20 received by Respondent on April 29, 2009, and;

21 Respondent having failed to request a hearing in this matter, and good cause  
22 appearing:

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1 NOW, THEREFORE, **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670 and  
2 NRS 645B.690, Respondent will be subject to the administrative fines, fees and/or costs as set  
3 forth in the original Order attached hereto as Exhibit "1".

4 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs  
5 be paid in full within **thirty (30) days** of entry of the instant Order;

6 Dated this 15<sup>th</sup> day of June, 2009.

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

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14 By: Joseph L. Waltuch  
15 **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**

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In re:  
DIANE M. MILLS,  
Respondent.

**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. On September 24, 2008, the DIVISION received a Complaint alleging PETER A. MILLS engaged in loan activity (Moore/Swift) in Nevada, for which he received payment.
2. Upon review of the DIVISION'S records, it was found that PETER A. MILLS was not licensed to operate as either a mortgage broker or mortgage agent in the State of Nevada when he conducted said mortgage activity with Mayflower Financial in May 2008.
3. After receiving the Complaint regarding PETER A. MILLS, the DIVISION commenced an investigation, the results of which established DIANE M. MILLS (hereinafter "RESPONDENT") originated a loan (Lane) secured by real property through

1 Mayflower Financial for Lane in the State of Nevada without being licensed as either a  
2 mortgage agent or mortgage broker in Nevada.

3 4. Upon review of the DIVISION'S records, it was found RESPONDENT was  
4 previously licensed as a mortgage agent from May 25, 2005 to July 15, 2005, but not during  
5 April 2008 to May 2008, when the Lane loan application was taken.

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

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

14 7. Pursuant to NRS 645B.0127, a "mortgage broker" is defined, in pertinent part, as  
15 "...a person who directly or indirectly... holds himself out for hire to serve as an agent for any  
16 person in an attempt to obtain a loan which will be secured by a lien on real property..." or  
17 "...holds himself out as being able to make loans secured by liens on real property..." See,  
18 NRS 645B.0127(1)(a)(c).

19 8. Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a  
20 natural person who... is an employee or independent contractor of a mortgage broker who is  
21 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage broker  
22 to engage in, on behalf of the mortgage broker, any activity that would require the person, if he  
23 were not an employee or independent contractor of the mortgage broker, to be licensed as a  
24 mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

25 9. Pursuant to NRS 645B.690, "...if a person offers or provides any of the services  
26 of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself  
27 out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at  
28 the time... the person was required to have a license pursuant to this chapter and the person

1 did not have such a license... the Commissioner shall impose upon the person an  
2 administrative fine of not more than \$10,000 for each violation and, if the person has a license,  
3 the Commissioner shall revoke it..." See, NRS 645B.690(1)(a).

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 VIOLATIONS OF LAW

10 1. Having investigated the RESPONDENT'S conduct in this matter and received  
11 competent evidence that RESPONDENT has originated a loan secured by real property in  
12 the State of Nevada, it has been determined that RESPONDENT did, in fact, engage in  
13 mortgage activity in the State of Nevada without a license to do so, thereby violating NRS  
14 645B.690(1)(a) and NRS 645B.900.

### 15 ORDER

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

20 a. To impose a fine of Five Thousand Dollars and No Cents (\$5,000.00) for  
21 RESPONDENT'S violations of NRS Chapter 645B, as well as for the DIVISION'S investigative  
22 costs in the amount of Three Hundred Eighty-Five Dollars and No Cents (\$385.00) and  
23 attorney's fees, if any, incurred herein, to be proven at the hearing. Should RESPONDENT  
24 not request a hearing with **twenty (20) days** of the receipt of this Order, the DIVISION will enter  
25 a Final Order in this matter against RESPONDENT, including such fine, costs and fees.

26 b. RESPONDENT'S payment, in full, of the investigative fine, costs and fees to  
27 the DIVISION within **thirty (30) days** of entry of the Final Order  
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1           Should RESPONDENT not request a hearing within **twenty (20) days** of the date of this  
2 Order, the DIVISION will enter a Final Order in this matter against RESPONDENT, as required  
3 by NRS 645B.750(2).

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5           Dated this *27<sup>th</sup>* day of April, 2009.

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

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

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**CERTIFICATE OF SERVICE**

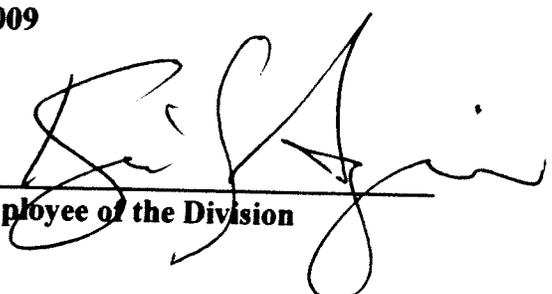
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**I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on April 29, 2009, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for DIANE M MILLS, addressed as follows:**

**Diane M. Mills  
11208 Pierre Milano St.  
Las Vegas, NV 89141**

**Certified Receipt Number: 7006 2760 0000 0875 9865**

**DATED this 28th day of April, 2009**

**By:**   
**Employee of the Division**

**CERTIFICATE OF SERVICE**

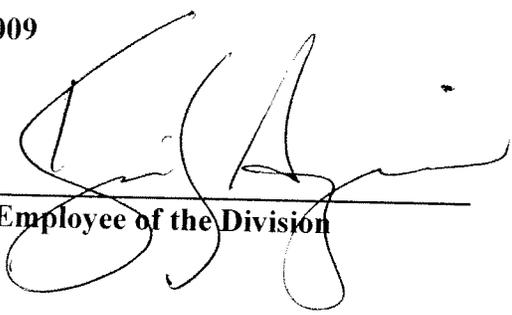
I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on June 3, 2009, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing. FINAL ORDER IMPOSING FINE for DIANE M MILLS, addressed as follows:

Diane M. Mills  
11208 Pierre Milano Street  
Las Vegas, NV 89141

Certified Receipt Number: 7006 2760 0000 0875 9735

DATED this 2<sup>nd</sup> day of June, 2009

By:

  
\_\_\_\_\_  
Employee of the Division