

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

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5 In re:
6 Peter A. 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, Peter A. Mills
13 (hereinafter, "Respondent") on May 5, 2009, with its Order to Cease and Desist, Notice of
14 Intent to Impose Fine and Notice of Right to Request Hearing, attached hereto as Exhibit "1"
15 and incorporated herein by reference, which notified Respondent that a final order would
16 issue in this matter unless, within twenty (20) days of entry and receipt of said Order,
17 Respondent requested a hearing to contest the charges against it, with said request to be
18 made in writing, and;

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20 Said Order having been sent to Respondent via certified mail and received by
21 Respondent on May 7, 2009, and;

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

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25 NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to NRS 622.080 and
26 NRS 645B.340, Respondent CEASE AND DESIST from conducting any and all unlicensed
27 mortgage brokering activity in the State of Nevada.
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1 **IT IS FURTHER ORDERED** that, pursuant to NRS 645B.670 and NRS 645B.690,
2 Respondent will be subject to the administrative fines, fees and/or costs as set forth in the
3 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 1st 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”

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

4 * * *

5 In re:
6 PETER A. MILLS,
7 Respondent.

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10 **ORDER TO CEASE AND DESIST, NOTICE OF INTENT TO IMPOSE FINE AND**
11 **NOTICE OF RIGHT TO REQUEST HEARING**

12 The licensing and regulation of mortgage brokers and mortgage agents in the State of
13 Nevada is governed by Chapter 645B of the Nevada Revised Statutes (hereinafter, "NRS")
14 and Chapter 645B of the Nevada Administrative Code (hereinafter, "NAC"). The State of
15 Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the
16 "DIVISION") has the general duty to exercise supervision and control over mortgage brokers
17 and mortgage agents, as well as mortgage brokering activity. See, NRS 645B.060(1), NRS
18 645B.690 (1)(a) and NRS 645B.670. Pursuant to that authority, the DIVISION makes the
19 following Findings of Fact, Conclusions of Law, and Order as follows:

20 **FACTUAL ALLEGATIONS**

21 1. On September 24, 2008, the DIVISION received a Complaint alleging PETER A.
22 MILLS (hereinafter, "RESPONDENT") engaged in loan activity (Moore/Swift) in Nevada, for
23 which he received payment.

24 2. Upon review of the DIVISION'S records, it was found that RESPONDENT was
25 not licensed to operate as either a mortgage broker or mortgage agent in the State of Nevada
26 when he conducted said mortgage activity with Mayflower Financial in May 2008.

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

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

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 2nd, 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 for PETER A. MILLS, addressed as follows:

Peter A. Mills
11208 Pierre Milano Street
Las Vegas, NV 89141

Certified Receipt Number: 7006 2760 0000 0876 4494

DATED this 1st day of June, 2009

By: Susan Slack
Employee of the Division