

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

* * *

In re:
Irene Zafra,
Respondent.

FINAL ORDER

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

Said Order having been sent to Respondent via certified mail and regular mail, and received by Respondent on July 16, 2009, and;

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

////
////
////

1 NOW, THEREFORE, **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670 and
2 NRS 645B.690, Respondent shall immediately **CEASE AND DESIST** all activity requiring
3 licensure pursuant to NRS Chapter 645B and the regulation promulgated thereto.

4 **IT IS FURTHER ORDERED** that, pursuant to NRS 645B.670(3) and NRS 645B.750,
5 RESPONDENT'S mortgage agent license in the State of Nevada is **REVOKED**.

6 In addition, Respondents will be subject to the administrative fines, fees and/or costs as
7 set forth in the original Order attached hereto as Exhibit "1".

8 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
9 be paid in full within **thirty (30) days** of entry of the Order;
10

11
12 Dated this 18th day of August, 2009.

13
14 State of Nevada
15 Department of Business and Industry
16 Division of Mortgage Lending

17
18
19 By: Joseph L. Waltuch
20 Joseph L. Waltuch, Commissioner
21
22
23
24
25
26
27
28

EXHIBIT “1”

1 STATE OF NEVADA

2 DEPARTMENT OF BUSINESS AND INDUSTRY

3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:

6 Irene Zafra,

7 Respondent.

8
9
10 **ORDER TO CEASE AND DESIST,**
11 **NOTICE OF INTENT TO REVOKE MORTGAGE AGENT LICENSE,**
12 **NOTICE OF INTENT TO IMPOSE FINE and NOTICE OF RIGHT TO REQUEST HEARING**

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

21 **FACTUAL ALLEGATIONS**

22 1. On April 27, 2009, the Division commenced a regularly scheduled examination of
23 Hotpoint Financial, LLC (hereinafter "Hotpoint") and discovered Irene Zafra (hereinafter,
24 "Respondent") engaged in mortgage agent activities in relation to a mortgage loan obtained by
25 McDougal for the refinance of real property in Nevada, without proper licensure.

26 2. Although licensed as a mortgage agent with First United Mortgage until
27 November 23, 2008, Respondent was not licensed as a mortgage broker or mortgage agent
28 with Hotpoint Mortgage when she originated and engaged in mortgage loan activity on the
McDougal mortgage loan. Respondent's license was placed in an inactive status as of

1 November 23, 2008 and the Division currently shows Respondent's license status as closed
2 effective May 23, 2009.

3 3. After investigating the matter further and confronting Respondent with the facts
4 regarding the McDougall file, despite her statutory affiliation with First United Mortgage,
5 Respondent admitted that she had, indeed, originated the McDougal mortgage loan as well as
6 several other loans for Hotpoint Financial, LLC. between September 2008 and January 2009.

7 4. Pursuant to NRS 645B.060, the Division shall "...conduct an annual examination
8 of each mortgage broker doing business in this state." See, NRS 645B.060(2)(d).

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

13 6. Pursuant to NAC 645B.300, once an individual obtains a license to act as a
14 mortgage agent in the State of Nevada, that agent "...may associate with or be employed by a
15 mortgage broker at only one licensed office location of the mortgage broker and may not
16 associate with or be employed by a mortgage broker who is exempt from the provisions of
17 Chapter 645B of NRS or whose office is located outside the State..." See, NAC 645B.300(2).

18 7. Pursuant to NRS 645B.450, "...a person licensed as a mortgage agent pursuant
19 to the provisions of NRS 645B.410 may not be associated with or employed by more than one
20 mortgage broker at the same time..." See, NRS 645B.450(1).

21 8. Pursuant to NRS 645B.0127, a "mortgage broker" is defined, in pertinent part, as
22 "...a person who directly or indirectly... holds himself out for hire to serve as an agent for any
23 person in an attempt to obtain a loan which will be secured by a lien on real property..." or
24 "...holds himself out for hire to serve as an agent for any person who has money to lend, if the
25 loan is or will be secured by a lien on real property..." or "... holds himself out as being able to
26 make loans secured by liens on real property..." See, NRS 645B.0127(1)(a)(b)(c).

27 9. Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a
28 natural person who... is an employee or independent contractor of a mortgage broker who is

1 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage broker
2 to engage in, on behalf of the mortgage broker, any activity that would require the person, if he
3 were not an employee or independent contractor of the mortgage broker, to be licensed as a
4 mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

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

12 11. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide any
13 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or
14 hold himself out as engaging in or carrying on the business of a mortgage broker or agent
15 without first obtaining the applicable license issued pursuant to this chapter..." See, NRS
16 645B.900.

17 12. Pursuant to NRS 645B.670, "...for each violation committed by a mortgage
18 agent, the Commissioner may impose upon the mortgage agent an administrative fine of not
19 more than \$10,000, may suspend, revoke or place conditions upon his license, or may do
20 both, if the mortgage broker, whether or not acting as such... [h]as violated any provision of
21 this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or
22 has assisted or offered to assist another person to commit such a violation..." See, NRS
23 645B.670(3)(j).

24 VIOLETIONS OF LAW

25 1. Having completed an annual examination and having considered the factual
26 admissions provided by Respondent during the investigation of respondent's conduct in this
27 matter, the Division finds that Respondent's pattern of originating loans for an entity with
28

1 which she was not legally affiliated to be in violation of NRS 645B.690(1)(a) and
2 NRS 645B.900.

3 **ORDER**

4 **NOW, THEREFORE,** pursuant to NRS 622.080 and NAC 645B.340, the
5 **COMMISSIONER** of the **DIVISION HEREBY ORDERS** that Respondent immediately **CEASE**
6 **AND DESIST** from conducting activity requiring licensure pursuant to NRS Chapter 645B and
7 the regulation promulgated thereto.

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

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

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

23 **IT IS HEREBY ORDERED** that pursuant to NRS 645B.750, upon written application to
24 the Division within **twenty (20) days** of the date of this Order, Respondent shall be entitled to a
25 hearing with regard to the contents of this Order referenced below. At that hearing, the Division
26 will seek to:

- 27 1. Revoke Respondent's mortgage agent license;

28 ////

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 July 15, 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 REVOKE MORTGAGE AGENT LICENSE, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for IRENE ZAFRA, addressed as follows:

**Irene Zafra
9586 Wenmarie Court
Las Vegas, NV 89148**

Certified Receipt Number: 7006 2760 0000 0875 9421

DATED this 14th day of July, 2009

**By: _____
Employee of the Division**



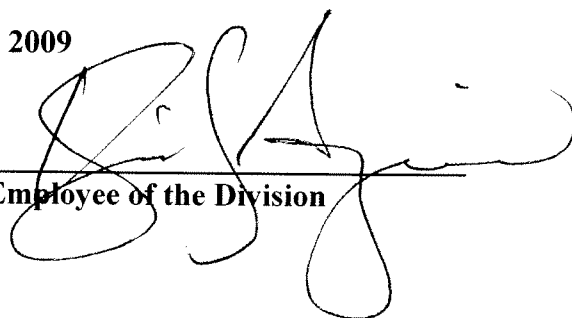
CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on August 21, 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 IRENE ZAFRA, addressed as follows:

**Irene Zafra
9586 Wenmarie Court
Las Vegas, NV 89148**

Certified Receipt Number: 7006 2760 0000 0875 9087

DATED this 20th day of August, 2009

By: 
Employee of the Division