

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

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5 In re:
6 Alexander Jariv,
7 Respondent.

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10 **ORDER TO CEASE AND DESIST AND**
11 **NOTICE OF INTENT TO IMPOSE FINE AND**
12 **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 Advantage Mortgage and determined Alexander Jariv (hereinafter, "Respondent") engaged in
24 mortgage agent activities in relation to a mortgage loan obtained by Nam for the purchase of
25 real property in Nevada, without either a mortgage broker or mortgage agent license.

26 2. Although licensed with the Division until August 24, 2008, Respondent was not
27 licensed as a mortgage broker or mortgage agent with Advantage Mortgage when he
28 engaged in mortgage loan activity for the loan obtained by Nam.

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

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

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

13 6. Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a
14 natural person who... is an employee or independent contractor of a mortgage broker who is
15 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage broker
16 to engage in, on behalf of the mortgage broker, any activity that would require the person, if he
17 were not an employee or independent contractor of the mortgage broker, to be licensed as a
18 mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

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

26 8. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide any
27 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or
28 hold himself out as engaging in or carrying on the business of a mortgage broker or agent

1 without first obtaining the applicable license issued pursuant to this chapter..." See, NRS
2 645B.900.

3 **VIOLATIONS OF LAW**

4 1. Having completed an annual examination and investigated the Respondent's
5 conduct in this matter and received competent evidence that Respondent provided the
6 services of a mortgage agent without first obtaining the applicable license by originating and
7 closing a the mortgage loan for Nam which was secured by a lien on real property, in the
8 State of Nevada, it has been determined that Respondent did, in fact, engage in mortgage
9 agent activity in the State of Nevada without a license to do so, thereby violating NRS
10 645B.690(1)(a) and NRS 645B.900.

11 **ORDER**

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

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

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

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

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

7 1. Impose a fine of Five Thousand Dollars and No Cents (\$5,000.00) for Respondent's
8 violations of NRS Chapter 645B, as well as for the Division's investigative costs in the amount of
9 One Hundred and Eighty Dollars and No Cents (\$180.00), and attorney's fees, if any, incurred
10 herein, to be proven at the hearing; and

11 2. Require Respondent's payment, in full, of the administrative fine, costs and fees
12 within **thirty (30) days** of entry of the Final Order.

13 Should Respondent not request a hearing within **twenty (20) days** of the date of this
14 Order, the Division will enter a Final Order in this matter against Respondent, pursuant to NRS
15 645B.750(2)

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17 DATED this 15th day of June, 2009.

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19 State of Nevada
20 Department of Business and Industry
21 Division of Mortgage Lending

22 By: Joseph L. Waltuch
23 Joseph L. Waltuch, Commissioner
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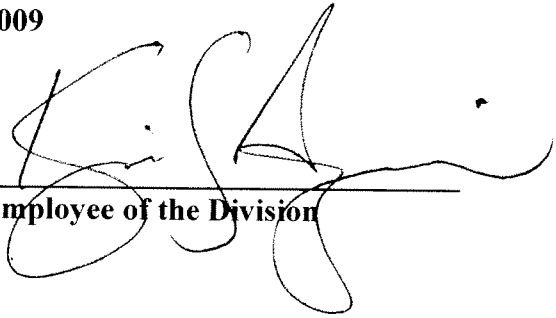
CERTIFICATE OF SERVICE

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3 **I certify that I am an employee of the State of Nevada, Department of Business and Industry,**
4 **Division of Mortgage Lending, and that on June 17, 2009, I deposited in the U.S. mail, postage**
5 **prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of**
6 **the foregoing, ORDER TO CEASE AND DESIST AND NOTICE OF INTENT TO IMPOSE**
7 **FINE AND NOTICE OF RIGHT TO REQUEST HEARING for ALEXANDER JARIV,**
8 **addressed as follows:**
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11 **Alexander Jariv**
12 **5256 Villa Vecchio Court**
13 **Las Vegas, NV 89141**

14 **Certified Receipt Number: 7006 2760 0000 0875 9513**

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18 **DATED this 16th day of June, 2009**

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21 **By:** 
22 **Employee of the Division**
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