

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

4 * * *

5 In re:

6 Charmaine A. Hicks,
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, Charmaine A. Hicks,
13 (hereinafter, "Respondent") on March 15, 2010, 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 certified mailing being returned "forwarding order expired" on March 30, 2010, and;

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

23
24 NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to NRS 645B.750,
25 Respondent will be subject to the administrative fines, fees and/or costs as set forth in the
26 original Order attached hereto as Exhibit "1".
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1 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
2 be paid in full within **thirty (30) days** of entry of the Order;

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4 Dated this 9th day of April, 2010.

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7 State of Nevada
8 Department of Business and Industry
9 Division of Mortgage Lending

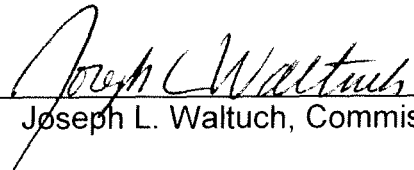
10 By: 
11 Joseph L. Waltuch, Commissioner

EXHIBIT “1”

1 license on approximately May 10, 2004.

2 5. Respondent operated within the State of Nevada pursuant to the terms of her
3 license until July 1, 2009, when Respondent's employer, Preferred Mortgage, terminated the
4 employment of Respondent and her license status became "inactive."

5 6. On June 15, 2009, the Division received a written complaint (hereinafter
6 "Complaint") from CSJ (hereinafter "Complainant"), alleging, among other things, that in
7 August 2005 Respondent pressured Complainant into accepting a mortgage loan for a home
8 purchase, and that, in October 2006, Respondent falsified Complainant's employment
9 information for the purpose of securing a refinance of Complainant's original 2005 mortgage
10 loan.
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12 7. Pursuant to the Nevada Revised Statutes, the Division is charged with, among
13 other things, conducting such investigations as may be necessary to determine whether any
14 person has violated any provision of Chapter 645B of the NRS or the regulations promulgated
15 thereto. See, NRS 645B.060(2)(c).

16 8. Pursuant to the Nevada Administrative Code, after receiving the above-
17 described Complaint regarding Respondent, the Division commenced its investigation of the
18 allegations in question and, on June 19, 2009, provided a copy of the Complaint to
19 Respondent and requested that Respondent respond, in writing, to the Complaint by
20 July 6, 2009. See, NAC 645B.320(4).
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22 9. Pursuant to the Nevada Administrative Code, receiving no response from
23 Respondent, the Division issued a second request to Respondent on July 21, 2009 and
24 requested that Respondent respond, in writing, to the Complaint by August 5, 2009.
25 See, NAC 645B.320(4).
26

27 10. Pursuant to the Nevada Administrative Code, receiving no response from
28 Respondent, the Division issued a third request to Respondent on August 5, 2009 and

1 requested that Respondent respond, in writing, to the Complaint by August 12, 2009.

2 See, NAC 645B.320(4).

3 11. To date, Respondent has failed to respond to the Complaint.

4 12. Pursuant to NRS 645B.670(3)(j), for each violation committed by a mortgage
5 agent, the Commissioner may impose upon the mortgage agent an administrative fine of not
6 more than \$10,000, may suspend, revoke or place conditions upon his license, or may do
7 both, if the mortgage agent has refused or failed, within a reasonable time, to furnish any
8 information or make any report that may be required by the Commissioner pursuant to the
9 provisions of Chapter 645B or a regulation adopted pursuant to such chapter.
10

11 VIOLATIONS OF LAW

12 Respondent has failed to respond to the Complaint in violation of NRS 645B.670.

13 ORDER

14 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS
15 233B.121 and NRS 645B.750(2) upon the timely filing of an application with the Division within
16 **twenty (20) days** of the date of this Order, Respondent shall be entitled to a hearing with regard
17 to the contents of this Order. At that hearing, the Division will seek:

18 a. The imposition of an administrative fine against Respondent in the amount of
19 Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) for Respondent's violations of
20 NRS Chapter 645B as well as the Division's administrative costs and attorney's fees, if any,
21 incurred herein, each to be proven at the hearing; and

22 b. Respondent's payment, in full, of the administrative fine, costs and fees to the
23 Division within **thirty (30) days** of entry of the Final Order.
24

25 Should Respondent request a hearing, Respondent is advised of the following:

26 a) Respondent is entitled to be represented by legal counsel at its own cost and expense; b) At
27 any hearing Respondent shall be entitled to respond and to present evidence and argument on
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1 all issues involved; c) Requests may be made to the Commissioner for the issuance of
2 subpoenas, however, the Commissioner may request the proposed testimony of any such
3 person prior to the issuance of the subpoena; and d) Unless precluded by law, the parties may
4 agree to an informal resolution or settlement prior to any hearing.

5 Should Respondent not request a hearing within **twenty (20) days** of the date of this
6 Order, the Division will enter a Final Order in this matter against Respondent, as otherwise
7 required by law.

8 Dated this 15th day of March, 2010.

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10 State of Nevada
11 Department of Business and Industry
12 Division of Mortgage Lending

13 By: Joseph L. Waltuch
14 Joseph L. Waltuch, Commissioner
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