

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

4 * * *

5 In re:
6 Evofi One,
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, Evofi One, (hereinafter,
13 "Respondent") on March 12, 2010, with its Amended 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 March 16, 2010, and;

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

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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: Joseph L. Waltuch
11 Joseph L. Waltuch, Commissioner

EXHIBIT “1”

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

4 In re:
5 Evofi One,
6 Respondent.
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AMENDED NOTICE OF INTENT TO IMPOSE
FINE AND NOTICE OF RIGHT TO
REQUEST HEARING

10 The licensing and regulation of mortgage brokers, mortgage bankers and escrow
11 agencies in the State of Nevada is governed by Chapter 645B, Chapter 645E and Chapter
12 645A of the Nevada Revised Statutes ("NRS"), respectively, and the regulations promulgated
13 thereunder. The State of Nevada, Department of Business and Industry, Division of Mortgage
14 Lending (hereinafter the "Division") has the general duty to exercise supervision and control
15 over mortgage brokers, mortgage bankers and escrow agencies pursuant to these chapters.
16 Pursuant to that authority, the Division makes the following Factual Allegations, Violations of
17 Law, and Order, as follows:

18 **FACTUAL ALLEGATIONS**

- 19
- 20 1. Evofi One (hereinafter "Respondent") is a Nevada corporation. Currently,
21 Respondent's status with the Nevada Secretary of State is "active."
 - 22 2. Pursuant to NRS Chapter 645B, Respondent was issued a mortgage broker license
23 on February 10, 2002. Currently, Respondent's status with the Division is "active license."
 - 24 3. Based upon information and belief and at all relevant times herein mentioned,
25 Respondent conducted mortgage broker activity in the State of Nevada out of a branch office
26 located at 6600 West Charleston Blvd., Suite 111, Las Vegas, Nevada 89146 (hereinafter
27 "Respondent's Charleston Branch Office") and out of a branch office located at 3765 East
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1 Sunset Road, Suite B5, Las Vegas, Nevada 89120 (hereinafter "Respondent's Sunset Branch
2 Office").

3 4. Auction of Las Vegas and American First Realty are entities of an unknown
4 organization which, based upon information and belief and at all relevant times herein
5 mentioned, conducted business as licensed real estate companies pursuant to NRS Chapter
6 645.

7 5. Pursuant to NRS 645B.060, subject to the administrative control of the Director of
8 the Department of Business and Industry, the Commissioner shall, with limited exception,
9 "conduct an annual examination of each mortgage broker doing business in this State...."
10 See, NRS 645B.060(2)(d).

11 6. During an annual examination of Respondent which commenced on April 1, 2009,
12 the Division discovered that Respondent shared office space with Auction of Las Vegas and
13 American First Realty at Respondent's Charleston Branch Office and Respondent's Sunset
14 Branch Office, respectively.
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16 7. Pursuant to NAC 645B.032, "[a] mortgage broker may share office space with a
17 business licensed pursuant to chapter 645 of NRS if...[t]he businesses are subsidiaries of the
18 same parent corporation or are otherwise affiliated businesses." See, NAC 645B.032(2)(e).

19 8. Based upon information and belief, Respondent and Auction of Las Vegas and
20 American First Realty are neither subsidiaries of the same parent corporation nor otherwise
21 affiliated businesses.
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23 9. Subsequent to the events set forth above, Respondent closed both Respondent's
24 Charleston and Sunset Branch Offices.

25 10. Pursuant to NRS 645B.670, as it existed at the time of the violation herein, "[f]or
26 each violation committed by a mortgage broker, the Commissioner may impose upon the
27 mortgage broker an administrative fine of not more than \$10,000, may suspend, revoke or place
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1 conditions upon his license, or may do both, if the mortgage broker...[d]oes not conduct his
2 business in accordance with law or has violated any provision of this chapter, a regulation
3 adopted pursuant to this chapter or an order of the Commissioner..." See, NRS
4 645B.670(2)(c).

5 VIOLATIONS OF LAW

6 After investigation, the Division determined that, at all relevant times herein mentioned,
7 Respondent shared office space with Auction of Las Vegas and American First Realty,
8 respectively, which are both businesses licensed pursuant to NRS Chapter 645, and which
9 are neither a subsidiary of the same parent corporation nor otherwise affiliated with
10 Respondent, in violation of NAC 645B.032(2)(e).

12 ORDER

13 **NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS,**
14 pursuant to NRS 645B.750, that upon written application to the Division within **twenty (20)**
15 **days** of the date of this Order, Respondent shall be entitled to a hearing with regards to the
16 contents of this Order referenced below. At that hearing the Division will seek:

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18 a. The imposition of an administrative fine against Respondent in the amount of Five
19 Thousand Dollars and No Cents (\$5,000.00), payable to the Division on account of
20 Respondent's violations of NRS Chapter 645B and NAC Chapter 645B, the Division's
21 investigative costs in the amount of One Hundred Eighty Dollars and No Cents (\$180.00) as
22 well as the Division's attorney's fees, if any, incurred herein, to be proven at the hearing; and

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

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

27 a) Respondent is entitled to be represented by legal counsel at its own cost and
28 expense; b) At any hearing Respondent shall be entitled to respond and to present evidence

1 and argument on all issues involved; c) Requests may be made to the Commissioner for the
2 issuance of subpoenas; however, the Commissioner may request the proposed testimony of
3 any such person prior to the issuance of the subpoena; and d) Unless precluded by law, the
4 parties may 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 12th 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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