




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 11<sup>th</sup> day of June, 2010.

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

11           By:   
12                     Joseph L. Waltuch, Commissioner

# **EXHIBIT “1”**

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

In re:

Thomas Christopher Leigh,

Respondent.

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**NOTICE OF INTENT TO IMPOSE FINE  
AND NOTICE OF RIGHT TO REQUEST HEARING**

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

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**FACTUAL ALLEGATIONS**

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1. Based upon information and belief, North American Financial, Corp. ("North American Financial") is a Nevada corporation. On January 3, 2005, North American Financial was issued a mortgage broker license (License No. 1429) pursuant to Chapter 645B of NRS. The Division currently classifies North American Financial's license as "active license."

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2. At all relevant times herein mentioned, North American Financial operated within the State of Nevada as a licensed mortgage broker.

1           3.     On April 10, 2006 Thomas Christopher Leigh ("Respondent") was issued a  
2 mortgage agent license (License No. 37326) by the Division pursuant to Chapter 645B of  
3 NRS.

4           4.     Respondent was affiliated with, or employed by, and continues to be affiliated  
6 with, or employed by, North American Financial as a licensed mortgage agent from  
7 June 22, 2009 to the present.

8           5.     On December 3, 2009, the Division received a written complaint ("Complaint")  
9 from KM alleging, among other things, that:

10           a.     Respondent operated a website at [www.primelendinglv.com](http://www.primelendinglv.com);

11           b.     Respondent did not publish an annual percentage rate ("APR") with the  
12 rate quote listed on Respondent's website at [www.primelendinglv.com](http://www.primelendinglv.com); and  
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14           c.     Respondent did not list the main address or phone number of the broker  
15 with which he was affiliated on his website at [www.primelendinglv.com](http://www.primelendinglv.com).

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

20           7.     Pursuant to NRS 645B.060, the Division is further charged with conducting  
21 "such other investigations, periodic or special audits, investigations and hearings as may be  
22 necessary for the efficient administration of the laws of this State regarding mortgage brokers  
23 and mortgage agents..." See NRS 645B.060(2)(e).

24           8.     Pursuant to NRS 645B.610, if a person properly files a complaint with the  
25 Division, the Division is further charged with investigating "each violation alleged in the  
26 complaint..." and the Division "shall determine from the investigation whether there is  
27 reasonable cause to believe that the person committed the alleged violation" See NRS  
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1 645B.610(1), (3).

2 9. Pursuant to NRS 645B.610, the Division commenced an investigation, which  
3 included visiting Respondent's website at www.primelendinglv.com, where the Division  
4 discovered, among other things, that:

6 a. Respondent operated a website at www.primelendinglv.com;

7 b. Respondent did not publish an annual percentage rate ("APR") with the  
8 rate quote listed on Respondent's website at www.primelendinglv.com;

9 c. Respondent advertised that he was a "senior mortgage broker" when, in  
10 fact, Respondent is not licensed as a mortgage broker;

11 d. Respondent advertised that he was a "residential banker" when, in fact,  
12 Respondent is not licensed as a mortgage banker; and

13 e. Respondent did not list the main address or phone number of the broker  
14 with which he was affiliated on his website at www.primelendinglv.com.

15 A true and correct copy of Respondent's web page is attached hereto as **Exhibit "A"**  
16 and incorporated herein by reference as though set forth in full.  
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18 10. Respondent's violations of NRS 645B are repeat violations:

19 a. In approximately June 2009, the Division viewed an advertisement for  
20 services offered by Respondent and/or First United Mortgage, the broker with which  
21 Respondent was affiliated with at the time of said violations;

22 b. Said advertisement referenced an unlicensed office location, and did not  
23 include Respondent's agent license number or a telephone number and/or contact information  
24 for a licensed First United Mortgage branch office;

25 c. Said advertisement also referenced Respondent as a "mortgage broker"  
26 when, in fact, Respondent was not a licensed mortgage broker; and  
27

28 d. As a result of these violations, the Division sent a copy of said

1 advertisement and issued a warning letter to First United Mortgage on June 25, 2009 (true  
2 and correct copies of which are attached hereto as **Exhibit "B"** and incorporated herein by  
3 reference as though set forth in full), and ordered that it cease the use of the advertisement in  
4 question.

6 11. Pursuant to NRS 645B.670, it is unlawful for a mortgage agent to "[make] a  
7 material misrepresentation in connection with any transaction governed by this chapter." See  
8 NRS 645B.670(3)(b).

9 12. Pursuant to NRS 645B.670, it is unlawful for a mortgage agent to "[engage] in  
10 any other conduct constituting a deceitful, fraudulent or dishonest business practice." See  
11 NRS 645B.670(3)(h).

12 13. Pursuant to NRS 645B.670, it is unlawful for a mortgage agent to "[violate] the  
13 policies and procedures of the mortgage broker with whom the mortgage agent is associated  
14 or by whom he or she is employed." See NRS 645B.670(3)(j).

15 14. Based upon information and belief, Respondent's broker, R. Gregory Ernst  
16 and/or North American Financial, did not approve the subject advertising on Respondent's  
17 website at [www.primelendinglv.com](http://www.primelendinglv.com). In a letter to the Division dated December 30, 2009,  
18 broker Ernst, on behalf of North American Financial, indicated that "[the subject advertising]  
19 was not approved or reviewed by North American Financial."  
20

21 15. Pursuant to the Truth in Lending Act, if an advertisement states a rate of finance  
22 charge it must be stated as an "Annual Percentage Rate" using that term. See 15 U.S.C. at  
23 Section 1644 and Regulation Z at 12 C.F.R. 226.24(c).  
24

25 16. Pursuant to NRS 645B.670, "[f]or each violation committed by a mortgage broker,  
26 the Commissioner may impose upon the mortgage broker an administrative fine of not more than  
27 \$25,000, may suspend, revoke or place conditions upon his license, or may do both, if the  
28 mortgage broker...[d]oes not conduct his business in accordance with law or has violated any

1 provision of this chapter, a regulation adopted pursuant to this chapter or an order of the  
2 Commissioner....” See, NRS 645B.670(2)(c).

### 3 VIOLATIONS OF LAW

4 . After investigation, the Division determined that, at all relevant times herein  
6 mentioned, Respondent made a material misrepresentation in connection with transactions  
7 governed by NRS 645B, engaged in other conduct constituting a deceitful, fraudulent or  
8 dishonest business practice, and violated the policies and procedures of the mortgage broker  
9 with whom the mortgage agent is associated or by whom he is employed, as evidenced by the  
10 unlawful advertising on his website at www.primelendinglv.com, in violation of NRS  
11 645B.670(3)(b), (h), and (j), and failed to advertise credit using the term “Annual Percentage  
12 Rate” in violation of 15 U.S.C. at Section 1644 and Regulation Z at 12 C.F.R. 226.24(c).

### 14 ORDER

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

19 a. The imposition of an administrative fine against Respondent in the amount of  
20 Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) for Respondent’s violations of  
21 Chapter 645B, as well as the Division’s investigative costs in the amount of Four Hundred  
22 Twenty Dollars and No Cents (\$420.00), as well as the Division’s attorney’s fees, if any, incurred  
23 herein, each to be proven at the hearing; and

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

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

11 Dated this 6<sup>th</sup> day of May, 2010.

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

16 By:   
17 Joseph L. Waltuch, Commissioner

# **EXHIBIT “A”**



*Tommy Leigh*

[www.primelendinglv.com](http://www.primelendinglv.com)

Contact: 702.460.8143

# IS YOUR LENDER MIA?

Tommy Leigh and his team of expert lenders, with over 25 years of experience, are still here and ready to assist you with all your lending needs! Well-versed in a wide scope of current market conditions including VA and FHA loans.

I am a Senior Mortgage Broker and Residential Banker well-versed in a wide scope of current market conditions including VA and FHA loans as well as foreclosures and short sales. I also have formed strong bonds with some of top banking and real estate professionals in the country.

My team and I are committed to providing first class customer service and finding the right mortgage and/or financing options for your clients. I work on a daily basis with agents and clients in the Las Vegas, Northern Nevada, California and Arizona areas. I have the capabilities to work with you and your clients regardless of the location.

We work WITH you to create an environment that we both are comfortable in that generates results. Happy clients perpetuate continued business and referrals. These results are achieved by putting the clients, your clients, needs ahead of our own and working together, from start to finish.

Unlike other lenders, I am available 7 days a week to do pre-qualifications. I look forward to getting acquainted with you and answering any questions that you may have. Feel free to contact me anytime, even on the weekends!

Sincerely,  
Tommy Leigh

702.460.8143 • [Tommy@primeloanslv.com](mailto:Tommy@primeloanslv.com)  
Please visit my website for additional information -  
[www.primelendinglv.com](http://www.primelendinglv.com)



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702.460.8143 • [Tommy@primeloanslv.com](mailto:Tommy@primeloanslv.com)

# **EXHIBIT “B”**



JIM GIBBONS  
Governor

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

7220 Bermuda Road, Ste. A  
Las Vegas, NV 89119  
(702) 486-0780 Fax (702) 486-0785  
www.mld.nv.gov

DIANNE CORNWALL  
Director

JOSEPH L. WALTUCH  
Commissioner

June 25, 2009

Kelly Graham  
First United Mortgage  
6585 High Street, Ste 221  
Las Vegas, NV 89113

Subject: Solicitation

Dear Mr. Graham:

The Division of Mortgage Lending has received the enclosed newspaper advertisement for Tommy Leigh at First United Mortgage. First United Mortgage has been required to submit all advertisements to the Division for a period of three months from March to June. This ad was in the June issue of the Veteran Times therefore the Division is requesting you provide a copy of the Division's approval of this.

There are numerous issues with this advertisement which include the use of an address for an unlicensed location, missing licensee number, missing agent license number and missing telephone number of the licensed location. Another issue that has come to our attention in this advertisement is that Tommy Leigh erroneously indicated he was a broker. The advertisement appears deceptive in that you advertise you are the "Number 1 VA Lender" please provide proof of that statement. The statement "Dept of Veterans Affairs has NO CREDIT or FICO Score" appears to require further information on this program type.

You are hereby notified to cease the use of this solicitation immediately. In order to ensure full compliance of the Division's advertisement requirements, it is requested that First United Mortgage submit all proposed advertising for review by the Division for the next six (6) months.

As the licensee you should be aware that you are responsible for any advertising your agents use and that advertising will be reviewed at the time of examination by the Division.

Your prompt attention to this matter is requested. Should you have any questions, please contact the Division.

Sincerely,

Andrea Golyer  
Compliance Audit Investigator

Enclosure