

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 June 16, 2010, with its Notice of Intent to Revoke Mortgage
14 Agent License and Notice of Right to Request Hearing, attached hereto as Exhibit "1" and
15 incorporated herein by reference, which notified Respondent that a final order would issue in
16 this matter unless, within twenty (20) days of entry and receipt of said Order, Respondent
17 requested a hearing to contest the charges against it, with said request to be made in writing,
18 and;
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20 Said Order having been sent to Respondent via certified mail and regular mail, on
21 June 22, 2010, and;

22 Respondent having failed to request a hearing in this matter, and good cause
23 appearing:
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2 **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670 and NRS 645B.750,
3 Respondent's mortgage agent license in the State of Nevada is **REVOKED**.

4 **IT IS FURTHER ORDERED** that, pursuant to NRS 645B.670, Respondent will be subject
5 to the administrative fines, fees and/or costs as set forth in the original Order attached hereto as
6 Exhibit "1".

7 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
8 be paid in full within **thirty (30) days** of entry of the instant Order.
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10 Dated this 7th day of July, 2010.

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

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16 By: 

17 Joseph L. Waltuch, Commissioner
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EXHIBIT “1”

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

In re:

Charmaine A. Hicks
Respondent.

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**NOTICE OF INTENT TO REVOKE MORTGAGE AGENT LICENSE
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 by 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 Factual Allegations, Violations of Law, and Order, as follows:

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FACTUAL ALLEGATIONS

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1. Charmaine A. Hicks (hereinafter "Respondent") is an individual.
 2. On approximately August 25, 2000, the Financial Institutions Division, Department of Business and Industry, State of Nevada (hereinafter "FID") registered Respondent as a mortgage agent pursuant to Chapter 645B of NRS.
 3. On approximately July 1, 2004, the Division commenced licensing and supervising mortgage brokers and mortgage agents pursuant to Chapter 645B of NRS.
 4. On approximately May 10, 2004, Respondent was issued a mortgage agent

1 license (License No. 5361) pursuant to NRS Chapter 645B.

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 March 15, 2010 the Division issued a Notice of Intent to Impose Fine and
6 Notice of Right to Request Hearing (hereinafter "Notice") wherein the Division imposed on the
7 Respondent an administrative fine in the amount of Two Thousand Five Hundred Dollars and
8 No Cents (\$2,500.00) for Respondent's violations of NRS Chapter 645B; said Notice notified
9 Respondent that, pursuant to NRS 645B.750, the Commissioner would issue a Final Order
10 unless, within twenty (20) days of the Notice, Respondent requested, in writing, a hearing to
11 contest the charges contained in the Notice.
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13 7. Due to Respondent's failure to request any such hearing, the Division entered a
14 Final Order on April 9, 2010, which required Respondent's payment, in full, of the
15 administrative fine in the amount of \$2,500.00 to the Division within **thirty (30)** days of entry
16 of the Final Order.
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18 8. To date, Respondent has failed to make payment, in full, of the administrative fine
19 to the Division.

20 9. Pursuant to NRS 645B.670, as it existed at the time of the above-referenced
21 violation, "[f]or each violation committed by a mortgage agent, the Commissioner may impose
22 upon the mortgage agent an administrative fine of not more than \$10,000.00, may suspend,
23 revoke or place conditions upon his license, or may do both, if the mortgage agent, whether
24 or not acting as such...[h]as violated any provision of this chapter, a regulation adopted
25 pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist
26 another person to commit such a violation ..." See, NRS 645B.670(3)(k).
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1 10. Pursuant to NRS 645B.740, "[t]he expiration or revocation of a license of a
2 mortgage broker or mortgage agent by operation of law or by order or decision of the
3 Commissioner or a court of competent jurisdiction, or the voluntary surrender of a license,
4 does not:

5 1. Prohibit the Commissioner from initiating or continuing an investigation of, or
6 action or disciplinary proceeding against, the mortgage broker or mortgage agent as
7 authorized pursuant to the provisions of this chapter or the regulations adopted pursuant
8 thereto; or

9 2. Prevent the imposition or collection of any fine or penalty authorized pursuant
10 to the provisions of this chapter or the regulations adopted pursuant thereto against the
11 mortgage broker or mortgage agent."
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13 **VIOLATIONS OF LAW**

14 Respondent's failure to pay to the Division the administrative fine in the amount of
15 \$2,500.00 within 30 days of entry of the Final Order is in violation of a Final Order of the
16 Commissioner.
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18 **ORDER**

19 **NOW, THEREFORE, IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670 and
20 NRS 645B.750, upon the timely filing of an application with the Division within **twenty (20) days**
21 of the date of this Order, Respondent shall be entitled to a hearing with regard to the contents of
22 this Order. At that hearing, the Division will seek the revocation of Respondent's mortgage
23 agent license for Respondent's violations of NRS Chapter 645B.
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25 **NOTICE TO RESPONDENT:** If you request a hearing, you are specifically informed
26 that you have the right to appear and be heard in your defense, either personally or through
27 your counsel of choice at your own expense. At the hearing, if one is timely requested, the
28 Division will call witnesses and present evidence against you. You have the right to respond

1 and to present relevant evidence and argument on all issues involved. You have the right to
2 call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any
3 matter relevant to the issues involved. If the Division prevails at any hearing, it may request
4 that attorney's fees and costs be awarded pursuant to NRS 622.400.

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

8 Dated this 16th day of June, 2010.

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

13 By: 
14 Joseph L. Waltuch, Commissioner