

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

Before the Commissioner of the Division of Mortgage Lending

In the Matter of:

DIVISION OF MORTGAGE LENDING,
Petitioner,

v.

CHARLES H. GISCOMBE a/k/a
CHARLES HENRY GISCOMBE,
Mortgage Agent License No. 24823.
Respondent.

CONSENT ORDER
TO CEASE AND DESIST VIOLATING NRS 645B.400
AND
TO PAY ADMINISTRATIVE FINE, COSTS AND ATTORNEYS FEES

Issued and Entered,
This 5th day of July, 2012,
By James Westrin,
Commissioner

The Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") having been statutorily charged with the responsibility and authority to administer and enforce Chapter 645B and Chapter 645E of the Nevada Revised Statutes, NRS 645B.010 *et seq.* and NRS 645E.010 *et seq.*, and Chapter 645B and Chapter 645E of the Nevada Administrative Code, NAC 645B.001 *et seq.* and NAC 645E.001 *et seq.*, governing the licensing and conduct of mortgage agents, mortgage brokers, and mortgage bankers in the State of Nevada; and,

The Commissioner having been granted general supervisory power and control over all mortgage agents, mortgage brokers, and mortgage bankers doing business in the State of Nevada pursuant to NRS 645B and NRS 645E; and,

1 CHARLES H. GISCOMBE (“Respondent”) having been employed by Sahara Mortgage
2 Corporation; and,

3 Respondent having been required to be licensed with the Division of Mortgage Lending (the
4 “Division”) as a mortgage agent pursuant to NRS 645B at all times relevant to this matter and,
5 therefore, subject to the jurisdiction of the Commissioner; and,

6 The Division having conducted an examination of Sahara Mortgage Corporation’s (“Sahara”)
7 books, records, accounts and business practices, pursuant to NRS 645E.300, beginning on
8 April 14, 2011 and concluding on May 4, 2011; and

9 The Division’s examination having revealed that Respondent had engaged in or was engaging in
10 conduct that violated provisions of NRS 645B.010 *et seq.* Specifically, the Division’s examination
11 revealed that Respondent engaged in conduct that violated NRS 645B.400, because, while employed by
12 Sahara, the Respondent acted as a mortgage agent of Sahara and originated at least one mortgage loan
13 for Sahara without being licensed as a mortgage agent; and,

14 Respondent having been (1) served on or about June 30, 2011 and August 1, 2011, with
15 a notice of facts or conduct which warrant disciplinary action and (2) given an opportunity to show
16 compliance with all lawful requirements for the retention of the license, in accordance with NRS
17 233B.127(3); and,

18 The Commissioner having, based upon those findings, served upon Respondent on or about
19 August 29, 2011, an Order to Cease and Desist, Notice of Intent to Revoke Mortgage Agent License,
20 Notice of Intent to Impose Fine, and Notice of Right to Request Hearing (the “Notice Order”); and,

21 Respondent having, thereafter, submitted additional information to the Division concerning this
22 matter and expressed his desire to cooperate with the Division, after formally contesting the allegations,
23 and to avoid the time and expense involved in a formal administrative enforcement hearing; and,

24 The Division and Respondent having conferred concerning this matter and determined to resolve
25 this matter pursuant to the following terms:

- 26 1. Respondent agrees to CEASE AND DESIST from any violation of NRS 645B.400, as
27 set forth above;

1 2. Respondent agrees to pay an ADMINISTRATIVE FINE in the amount of Five Thousand
2 Dollars and No Cents (\$5,000.00), pursuant to NRS 645B.670(1);

3 3. Respondent agrees to pay to the Division, in accordance with NRS 622.400 and upon the
4 entry of this order, the Division's administrative costs and other costs in the amount of Three Hundred
5 Dollars and No Cents (\$300.00);

6 4. Respondent agrees to pay to the Division, in accordance with NRS 622.400 and upon the
7 entry of this order, the Division's attorney fees in the amount of Three Hundred Dollars and No Cents
8 (\$300.00);

9 5. Respondent agrees to promptly and thoroughly respond to any request from the Division
10 for documents, testimony, or other requests for information related to any matter implied herein and to
11 provide complete and truthful testimony related thereto; and,

12 Respondent having knowingly and voluntarily affixed his signature to the attached
13 VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER, incorporated herein by this reference,
14 has consented to the issuance of this CONSENT ORDER TO CEASE AND DESIST FROM
15 VIOLATING NRS 645B.400 and ORDER TO PAY ADMINISTRATIVE FINE, COSTS, AND
16 ATTORNEY FEES (the "Order") with the intent to be legally bound hereby, and has waived and
17 relinquished any and all rights that Respondent may now or hereafter have to an administrative hearing
18 in this matter or to judicial review of, or otherwise challenge or contest, the entry of this Order; and,

19 Respondent having had opportunity to consult with legal counsel of his choosing concerning this
20 matter; and,

21 The Commissioner having determined that the terms of this ORDER are a reasonable resolution
22 of this matter and in the public interest.

23 NOW, THEREFORE, IT IS HEREBY ORDERED that:

24 1. Respondent shall CEASE AND DESIST from violating NRS 645B.400.

25 2. Respondent shall pay to the Division, upon the entry of this order, an Administrative
26 Fine in the amount of Five Thousand Dollars and No Cents (\$5,000.00).

27 3. Respondent shall pay to the Division, upon the entry of this order, the Division's
28 administrative and other costs in the amount of Three Hundred Dollars and No Cents (\$300.00).

1 4. Respondent shall pay to the Division, upon the entry of this order, the Division's
2 attorney fees in the amount of Three Hundred Dollars and No Cents (\$300.00).

3 5. Respondent shall promptly respond to any request from the Division for documents,
4 testimony, or other requests for information related to any matter implied herein and to voluntarily
5 provide complete and truthful testimony related thereto.

6 6. This Order shall be and is effective and enforceable on the date that it is issued, as shown
7 in the caption hereof.

8 7. This Order shall remain effective and enforceable until terminated, modified, set aside,
9 or suspended in writing by the Commissioner.

10 8. The Commissioner specifically retains jurisdiction over the matters contained herein and
11 has the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to
12 enforce the provisions of NRS 645B.010 et seq. and protect the public.

13
14 IT IS SO ORDERED.

15
16 DIVISION OF MORTGAGE LENDING

17 
18 By: 
19 JAMES WESTRIN
20 COMMISSIONER