

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,

Order No: 2012-25

v.

FIONA BRADY  
Mortgage Agent License No. 46402,

and

A & F ENTERPRISE INC.  
Mortgage Broker License No. UNL,

Respondents.

CONSENT ORDER  
ACCEPTING SURRENDER OF MORTGAGE AGENT LICENSE,  
TO CEASE AND DESIST VIOLATING NRS 645B,  
IMPOSING AN ADMINISTRATIVE FINE,  
AND  
REQUIRING PAYMENT OF ADMINISTRATIVE COSTS AND ATTORNEYS FEES

Issued and Entered,  
This 29th day of October, 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

1 Administrative Code, NAC 645B.001 *et seq.* and NAC 645E.010 *et seq.*, governing the licensing and  
2 conduct of mortgage agents, mortgage brokers, and mortgage bankers in the State of Nevada; and,

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

6 FIONA BRADY (“BRADY”), having made application for and been granted a license, License  
7 No. 46402, pursuant to NRS 645B, on September 21, 2009, as a mortgage agent by the Commissioner  
8 and at all times relevant to this matter having been licensed and, therefore, subject to the jurisdiction of  
9 the Commissioner; and,

10 BRADY was, and continues to be, the principal who acted and continues to act as an agent or  
11 person employed by or associated with A & F ENTERPRISE INC. (“AFE”), a domestic corporation  
12 organized under the laws of the State of Nevada which has never been licensed by the Commissioner;  
13 and,

14 On April 14, 2011, the Division conducted an Examination of Sahara Mortgage Corporation  
15 (“Sahara”), a domestic corporation organized under the laws of the State of Nevada and licensed with  
16 the Division as a mortgage banker pursuant to NRS 645E and therefore, subject to the jurisdiction of the  
17 Commissioner; and,

18 The Division’s Examination having revealed the following:

19 1. Contrary to the requirements of NRS 645B, BRADY and AFE (“RESPONDENTS”),  
20 from a period beginning on or about September 1, 2010 and continuing until at least June 2, 2011,  
21 provided mortgage agent services to and on behalf of Sahara although BRADY was employed by and  
22 the qualified employee of Avtek Mortgage, LLC (“Avtek”), a domestic limited liability company  
23 organized under the laws of the State of Nevada and licensed with the Division as a mortgage broker.  
24 RESPONDENTS conduct violates NRS 645B.450(1) which prohibit a mortgage agent from being  
25 employed by more than one mortgage broker or banker at a time.

26 2. In further demonstration of BRADY’s lack of compliance with NRS 645B, during this  
27 same period, BRADY, as a qualified employee of Avtek, was entrusted with the day to day and overall  
28

1 business operations of Avtek and used the resources of Avtek to provide mortgage agent services to and  
2 on behalf of Sahara without the proper licensing in violation of NRS 645B.670(3)(h).

3 Respondents having been (1) served on or about June 30, 2011 and August 1, 2011, with a  
4 notice of facts or conduct which warrant disciplinary action and (2) given an opportunity to show  
5 compliance with all lawful requirements for the retention of the license, in accordance with NRS  
6 233B.127(3); and,

7 The Commissioner having, based upon those findings, served upon Respondent on or about  
8 August 29, 2011, an Order to Cease and Desist, Notice of Intent to Revoke Mortgage Broker License,  
9 Notice of Intent to Revoke Mortgage Agent License, Notice of Intent to Impose Fine, and Notice of  
10 Right to Request Hearing (hereinafter, the "Order"); and,

11 Respondents, thereafter, submitted additional information to the Division concerning this matter  
12 and expressed a desire to cooperate with the Division, after formally contesting the allegations, and to  
13 avoid the time and expense involved in a formal administrative enforcement hearing; and,

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

16 1. RESPONDENTS agree to CEASE AND DESIST from any violation of NRS 645B, as  
17 set forth above;

18 2. BRADY further agrees to immediately CEASE AND DESIST from conducting any  
19 activity in the State of Nevada requiring licensure under NRS 645B and voluntarily tenders the  
20 surrender of her mortgage agent license, license no. 46402, issued under NRS 645B.

21 3. In exchange for the acceptance of the surrender of her mortgage agent license, BRADY  
22 agrees that she, individually or as an officer, director, shareholder, member, or partner of any business  
23 entity shall not make application to the Commissioner for licensure or registration under any licensing  
24 or regulatory program administered by the Commissioner for a period of five (5) years from the date of  
25 entry of this Order.

26 4. RESPONDENTS agree to pay to the Division, in accordance with NRS 645B.670(3)(k)  
27 an Administrative Fine in the amount of Twelve Thousand Dollars and No Cents (\$12,000.00). The  
28 Administrative Fine shall be paid in four installments as follows:

- 1 a. Upon the entry of this order, Respondents agree to pay Five Thousand Dollars  
2 and No Cents (\$5,000.00).
- 3 b. On or before January 15, 2013, Respondents agree to pay Two Thousand Five  
4 Hundred Dollars and No Cents (\$2,500.00).
- 5 c. On or before February 15, 2013, Respondents agree to pay Two Thousand Five  
6 Hundred Dollars and No Cents (\$2,500.00).
- 7 d. On or before March 15, 2013, Respondents agree to pay Two Thousand Dollars  
8 and No Cents (\$2,000.00).

9 In consideration of the Division's agreement to the above payment terms, Brady agrees that if  
10 she fails to timely comply with the payment terms, and does not demonstrate compliance at an informal  
11 opportunity to show compliance conference offered to Respondents in accordance with NRS 233B.127,  
12 Brady voluntarily agrees to consent to the revocation of Brady's license and knowingly and voluntarily  
13 agrees to waive and relinquish any right Brady may now or hereafter have to: 1) an administrative  
14 hearing to contest the revocation of Brady's license for failure to comply with the terms of this order; 2)  
15 to judicial review of this order or a subsequent order revoking Brady's license for failure to comply with  
16 the terms of this order; and 3) to otherwise challenge or contest in any manner or matter the basis,  
17 issuance, validity, effectiveness, or enforceability of this order or a subsequent order revoking Brady's  
18 license for failure to comply with the terms of this order.

19 5. RESPONDENTS agree to pay to the Division, in accordance with NRS 622.400 and  
20 upon the entry of this order, the Division's administrative costs in the amount of Three Hundred Dollars  
21 and No Cents (\$300.00).

22 6. RESPONDENTS agree to pay to the Division the Division's Attorney Fees, in  
23 accordance with NRS 622.400 and upon the entry of this order, in the amount of Three Hundred Dollars  
24 and No Cents (\$300.00).

25 7. RESPONDENTS agree to promptly and thoroughly respond to any request from the  
26 Division for documents, testimony, or other requests for information related to any matter implied  
27 herein and to provide complete and truthful testimony related thereto.

1 Respondents, through BRADY, having knowingly and voluntarily affixed their signatures to the  
2 attached VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER, incorporated herein by this  
3 reference, have consented to the issuance of this CONSENT ORDER ACCEPTING SURRENDER OR  
4 MORTGAGE AGENT LICENSE, TO CEASE AND DESIST VIOLATING NRS 645B, IMPOSING  
5 AN ADMINISTRATIVE FINE, AND REQUIRING PAYMENT OF ADMINISTRATIVE COSTS  
6 AND ATTORNEYS FEES (the "Order") with the intent to be legally bound hereby, and have waived  
7 and relinquished any and all rights that Respondents may now or hereafter have to an administrative  
8 hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry of this Order;  
9 and,

10 Respondents having had opportunity to consult with legal counsel of its choosing concerning  
11 this matter; and,

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

14 NOW, THEREFORE, IT IS HEREBY ORDERED that:

15 1. RESPONDENTS shall CEASE AND DESIST from violating NRS 645B.

16 2. The surrender of Brady's mortgage agent license, license no. 46402 issued under NRS  
17 645B, shall be and hereby is accepted.

18 3. For a period of five (5) years from the date of entry of this Order, Brady individually or  
19 as an officer, director, shareholder, member or partner of any business entity, shall not make application  
20 to the Commissioner for licensure or registration under any licensing or regulatory program  
21 administered by the Commissioner.

22 4. Respondents shall pay the Division, in accordance with NRS 645B.670(3)(k) an  
23 ADMINISTRATIVE FINE in the amount of Twelve Thousand Dollars and No Cents (\$12,000.00).  
24 The ADMINISTRATIVE FINE shall be paid and tendered to the Division in the form of a certified  
25 check or money order payable to the State of Nevada, Division of Mortgage Lending and mailed to  
26 7220 Bermuda Road, Suite A, Las Vegas, Nevada 89119, as follows:

27 a. Upon the entry of this Order, Respondent shall pay Five Thousand Dollars and  
28 No Cents (\$5,000.00).

1 b. On or before January 15, 2013, Respondents shall pay Two Thousand Five  
2 Hundred Dollars and No Cents (\$2,500.00).

3 c. On or before February 15, 2013, Respondents shall pay Two Thousand Five  
4 Hundred Dollars and No Cents (\$2,500.00).

5 d. On or before March 15, 2013, Respondents shall pay Two Thousand Dollars and  
6 No Cents (\$2,000.00).

7 5. Respondents shall pay to the Division, upon the entry of this order, the Division's  
8 ADMINISTRATIVE COSTS in an amount of Three Hundred Dollars and No Cents (\$300.00) and the  
9 ADMINISTRATIVE COSTS shall be tendered to the Division in the form of a certified check or money  
10 order payable to the State of Nevada, Division of Mortgage Lending.

11 6. Respondents shall pay to the Division, upon the entry of this order, the Division's  
12 ATTORNEYS FEES in an amount of Three Hundred Dollars and No Cents (\$300.00) and the  
13 ATTORNEYS FEES shall be tendered to the Division in the form of a certified check or money order  
14 payable to the State of Nevada, Division of Mortgage Lending.

15 7. Respondents shall promptly respond to any request from the Division for documents,  
16 testimony, or other requests for information related to any matter implied herein and to voluntarily  
17 provide complete and truthful testimony related thereto.

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

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

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

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IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By   
JAMES WESTRIN, COMMISSIONER

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