

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
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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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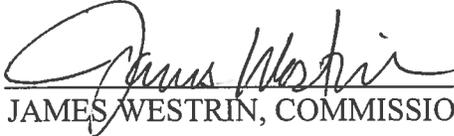
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IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: 
JAMES WESTRIN, COMMISSIONER

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.)
FIONA BRADY)
Mortgage Broker License No. 46402,)
and)
A & F ENTERPRISE INC.)
Respondents.)

VOLUNTARY CONSENT TO ENTRY OF
COMMISSIONER'S ORDER

By affixing my signature hereto, I, FIONA BRADY, hereby knowingly and voluntarily, with the intent to be legally bound myself and to legally bind A & F ENTERPRISE INC. thereby, consent to the attached Commissioner's 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 ATTORNEY FEES (the "ORDER") in this matter, and further, in consideration of the terms and conditions set forth therein:

1. I acknowledge that I have had the opportunity to retain an attorney to review this VOLUNTARY CONSENT and the attached ORDER and acknowledge that all applicable provisions of NRS 645B, NRS 233B and NRS 622 have been met.

2. I knowingly and voluntarily waive the right to an administrative hearing in this matter.

1 3. I knowingly and voluntarily waive and give up any and all right that I may now or
2 hereafter have to administrative or judicial review concerning, or to otherwise challenge, the entry of
3 the attached ORDER.

4 4. I agree to fully comply with each and every provision of the attached ORDER.

5 5. I understand that if I fail to fully comply with each and every provision of the attached
6 ORDER, the Commissioner retains jurisdiction to issue such further order(s) as he may deem just,
7 necessary and appropriate in accordance with NRS 645B.

8 6. The parties represent and warrant that the persons executing this Agreement on behalf of
9 each party have full power and authority to do so, and have the legal capacity to conduct the legal
10 obligations assigned to it hereunder.

11 7. I, my heirs, executors, administrators, successors, and assigns, hereby releases, remises,
12 and forever discharges the State of Nevada, the Department of Business and Industry of the State of
13 Nevada, the Division, and each of their members, agents, attorneys (including any and all employees of
14 the Nevada Attorney General), and employees in their individual and representative capacities, from any
15 and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands
16 whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have, or
17 claim to have against any or all of the persons or entities named in this section, arising out of or by
18 reason of the Division's examination of the Respondent, and all other matters relating thereto.

19 8. I hereby indemnify and hold harmless the State of Nevada, the Department of Business
20 and Industry of the State of Nevada, the Division, and each of their members, agents, and employees,
21 and employees of the Nevada Attorney General in their individual and representative capacities against
22 any and all claims, suits, and actions brought against said persons and/or entities by reason of the
23 Division's examination of Sahara, this Agreement, and all other matters relating thereto, and against any

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1 and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained
2 by the persons and/or entities named in this section as a result of said claims, suits, and actions.

3
4 10/24/12
5 Dated

Fiona Brady
FIONA BRADY on behalf of:
A & F ENTERPRISE INC.

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7
8 10/24/12
9 Dated

Fiona Brady
FIONA BRADY in an individual
capacity

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11 Subscribed and sworn to before me on this 24 day of October, 2012.



Jennifer Raycher
Notary Public
In and for the county of Los Angeles
~~Nevada~~ California
My commission expires April 2, 2013

CERTIFICATE OF SERVICE

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3 I certify that I am an employee of the State of Nevada, Department of Business and Industry,
4 Division of Mortgage Lending, and that on October 11th, 2012, I deposited in the U.S. mail,
5 postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and
6 correct copy of the foregoing, CONSENT ORDER ACCEPTING SURRENDER OF
7 MORTGAGE AGENT LICENSE, TO CEASE AND DESIST VIOLATING NRS 645B,
8 IMPOSING AN ADMINISTRATIVE FINE, AND REQUIRING PAYMENT OF
9 ADMINISTRATIVE COSTS AND ATTORNEYS FEES and the VOLUNTARY CONSENT TO
10 ENTRY OF COMMISSIONER'S ORDER, for FIONA BRADY AND A & F ENTERPRISE INC.,
11 addressed as follows:
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13 Fiona Brady
14 1010 Esplanade Unit 17
15 Redondo Beach, CA 90277

16 Certified Receipt Number: 7009 2250 0001 8861 1446

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18 DATED this 10th day of October, 2012

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20 By: Susan Slack
21 Employee of the Division
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