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: MELODY MARIE DETWILER, F/K/A MELODY MARIE ROSE, Escrow Agent License No. , License No. 82 Respondent.	Order No. 2012-20

FINAL ORDER
REVOKING ESCROW AGENT LICENSE,
IMPOSING AN ADMINISTRATIVE FINE AND
REQUIRING PAYMENT OF ADMINISTRATIVE COSTS

Issued and Entered,
This 6th day of February, 2013,
By James Westrin,
Commissioner

I.
BACKGROUND

On September 12, 2012, the Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") issued a Notice of Intent to Issue and Enter Order Revoking Escrow Agent License, Imposing an Administrative Fine and Requiring Payment of Investigative Costs and a Notice of Opportunity for Hearing (hereinafter, the "Notice") to Respondent, incorporated herein by this reference and attached hereto as Exhibit A.

On September 19, 2012, Respondent exercised its right to a hearing in this matter by filing a request for a hearing in accordance with the instructions in the notice. On September 24, 2012, the Commissioner referred this matter to the Department of Business and Industry, for the appointment of a hearing officer.

On October 18, 2012, a hearing officer was appointed and a hearing was held on December 19, 2012.

On January 16, 2012, the hearing officer issued a Decision and Order, incorporated herein by this reference and attached hereto as Exhibit B, AFFIRMING the allegations contained in the Notice and finding the revocation of Respondent's Escrow Agent License and imposition of and administrative fine and requiring payment of administrative as proper.

II.

FINAL ORDER

Based upon the foregoing it is hereby ORDERED that:

1. Respondent's Escrow Agent License, License No. 82, shall be and hereby is REVOKED.

2. An ADMINISTRATIVE FINE in the amount of $10,000.00 shall be and hereby is imposed on Respondent. The ADMINISTRATIVE FINE shall be due and payable on or before the 30th day following the effective date of this order and shall be tendered to the Division in accordance with the attached wire transfer instructions.

3. Respondent shall be and hereby is assessed the Division's INVESTIGATIVE COSTS in the amount of $1,560.00, in accordance with NRS 622.400. The INVESTIGATIVE COSTS shall be due and payable on or before the 30th day following the effective date of this order and shall be tendered to the Division in accordance with the attached wire transfer instructions.

4. This Order shall be and is effective and enforceable on the date that it is issued, as shown in the caption hereof and shall remain effective and enforceable until terminated, modified, set aside, or suspended in writing by the Commissioner

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: _____
JAMES WESTRIN, COMMISSIONER

Dated: 2/6/13

EXHIBIT "A"

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: MELODY MARIE DETWILER, F/K/A MELODY MARIE ROSE, Escrow Agent License No. , License No. 82 Respondent.	Order No. 2012-20

NOTICE OF INTENT TO ISSUE AND ENTER ORDER
REVOKING ESCROW AGENT LICENSE,
IMPOSING AN ADMINISTRATIVE FINE AND
REQUIRING PAYMENT OF ADMINISTRATIVE COSTS
AND
NOTICE OF OPPORTUNITY FOR HEARING

I.
NOTICE OF INTENT

The Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") is statutorily charged with the responsibility and authority to administer and enforce Chapter 645A of the Nevada Revised Statutes, NRS 645A.010 *et seq.*, and Chapter 645A of the Nevada Administrative Code, NAC 645A.005 *et seq.*, (collectively, the "Escrow Agency and Escrow Agents Act"), governing the licensing and conduct of escrow agencies and escrow agents in the State of Nevada; and,

The Commissioner is statutorily vested with general supervisory power and control over all escrow agencies and escrow agents doing business in the State of Nevada pursuant to the Escrow Agency and Escrow Agents Act; and,

Pursuant to that statutory authority granted to the Commissioner, and in accordance with provisions of the Escrow Agency and Escrow Agents Act, Notice is hereby provided to MELODY MARIE DETWILER F/K/A MELODY MARIE ROSE (hereinafter, "RESPONDENT") to give

RESPONDENT notice of facts or conduct which, if true, will result in the issuance of a final order revoking Respondent's escrow agent license, imposing an administrative fine in the amount of $10,000.00, and requiring payment of administrative costs in the amount of $1,560.00. The factual allegations and complaint which warrant the intended action are set forth in Section II and the applicable laws and penalties are set forth in Section III of this Notice. **Notice is further provided to inform RESPONDENT that prior to the issuance and entry of a final Order, RESPONDENT is entitled to an administrative hearing. If RESPONDENT desires to avail itself of the right to an administrative hearing, RESPONDENT must timely file a written request for an administrative hearing in accordance with the instructions set forth in Section IV of this Notice.**

II.

FACTUAL ALLEGATIONS AND COMPLAINT

The staff of the Division of Mortgage Lending alleges that the following facts are true and correct:

1. RESPONDENT made application for and was granted a license by the Commissioner as an escrow agent license, License No. 82, pursuant to provisions of NRS 645A, on July 22, 2009, authorizing RESPONDENT to act on behalf of an escrow agency in the administration of escrows.

2. At all times relevant to this matter, RESPONDENT held a license with the Division of Mortgage Lending (the "Division") pursuant to NRS 645A and, therefore, is subject to the jurisdiction of the Commissioner.

3. RESPONDENT last served as an escrow agent for Quality Escrow ("QUALITY"), where she was employed until on or about June 27, 2012.

4. RESPONDENT failed to renew her license and it was classified as "closed" on July 1, 2012.

5. On or about March 21, 2012, the Division received a complaint from CY ("COMPLAINANT CY") against QUALITY and the RESPONDENT alleging the mishandling of funds.

6. The Division Staff commenced a full and thorough investigation of the complaint, pursuant to NRS 645A.050(2)(c), and determined that during the course of its investigation that RESPONDENT intentionally and knowingly made a false statement to, or suppressed or withheld information from, the

Commissioner related to her knowledge and involvement in the transaction that was the subject of the CY complaint.

7. On May 1, 2012, RESPONDENT was provided with an opportunity to show compliance with all lawful requirements for the retention of the license as an escrow agency, in accordance with NRS 233B.127.

8. On May 15, 2012, an informal meeting was held providing RESPONDENT with the opportunity to show compliance.

9. Further investigation by Division Staff following the informal meeting disclosed, during the informal meeting held on May 15, 2012, RESPONDENT intentionally and knowingly made a false statement to, or withheld or suppressed information from, the Commissioner concerning RESPONDENT's knowledge and involvement in the transaction that was the subject of the CY complaint.

10. As a result of the Division's investigation the following violation is alleged:

COUNT I

Intentionally or Knowingly Making a False Statement

11. The Division repeats and re-alleges all facts as though fully set forth herein.

12. Nevada Revised Statutes, NRS 645A.090(1)(f) provides that it is grounds for disciplinary action against an escrow agent or agency if the escrow agent or agency has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant, licensee or person possess.

13. RESPONDENT suppressed or withheld information or made false statements to the Commissioner pertaining to the facts of the escrow transaction involving COMPLAINANT CY in violation of NRS 645A.090(1)(f).

III.

APPLICABLE LAWS AND PENALTIES

If the facts as alleged are true and correct, violations of the Escrow Agency and Escrow Agent have occurred. Staff believes the following provisions are applicable in this matter:

NRS 645A.090, provides as follows:

1.The Commissioner may refuse to license any escrow agent or agency or may suspend, revoke or placed conditions upon any license or impose a fine on any person of not more than $25,000 for each violation by entering an order to that effect, with the Commissioner's findings in respect thereto, if upon a hearing, it is determined that the applicant, licensee or person:

* * *

(f) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant, licensee or person possesses.

NRS 622.400 provides as follows:

1. A regulatory body may recover from a person reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body:
(a) Enters a final order in which it finds that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; or
(b) Enters into a consent or settlement agreement in which the regulatory body finds or the person admits or does not contest that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body.
2. As used in this section, "costs" means:
(a) Costs of an investigation.
(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.
(c) Fees for court reporters at any depositions or hearings.
(d) Fees for expert witnesses and other witnesses at any depositions or hearings.
(e) Fees for necessary interpreters at any depositions or hearings.
(f) Fees for service and delivery of process and subpoenas.
(g) Expenses for research, including, without limitation, reasonable and necessary expenses for computerized services for legal research.

IV.

NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

This Notice is provided to you pursuant to Section 365 of Chapter 645A of the Nevada Administrative Code, which provides as follows:

> 1. If the Commissioner enters an order taking any disciplinary action against a person or denying a person's application for a license, the Commissioner will cause a written notice of the order to be served personally or sent by certified mail or telegram to the person.
>
> 2. Unless a hearing has already been conducted concerning the matter, the person, upon application, is entitled to a hearing. If the person does not make such an application within 20 days after the date of the initial order, the Commissioner will enter a final order concerning the matter.
>
> 3. A person may appeal a final order of the Commissioner taking any disciplinary action against the person in accordance with the provisions of chapter 233B of NRS that apply to a contested case.

If you wish to exercise your right to an opportunity for an administrative hearing, <u>within 20 calendar days after the date of this Notice</u>, you must file a verified petition with the Commissioner to request a hearing. The verified petition requesting a hearing must be delivered to:

Division of Mortgage Lending
Attn. Susan Slack
7220 Bermuda Road, Suite A
Las Vegas, Nevada 89119

If you fail to timely file a verified petition to request a hearing, your right to a hearing under NAC 645A.365 will be deemed waived and relinquished and a final order will be issued and entered in this matter.

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In addition to the verified petition to request a hearing, you may file a written answer to this Notice of Intent to Issue and Enter Order Revoking Escrow Agent License and Imposing and Administrative Fine and Requiring Payment of Administrative Costs.

DIVISION OF MORTGAGE LENDING

By: _____
JAMES WESTRIN, COMMISSIONER

Dated: September 12, 2012

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on, September 14th, 2012, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, NOTICE OF INTENT TO ISSUE AND ENTER ORDER REVOKING ESCROW AGENT LICENSE, IMPOSING AN ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF ADMINISTRATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING for MELODY MARIE DETWILER, F/K/A MELODY MARIE ROSE, addressed as follows:

Melody Marie Detwiler
1604 Bermuda Dunes
Boulder City, NV 89005

Certified Receipt Number: 7009 2250 0001 8861 1248

DATED this 13th day of September, 2012

By: Susan Slack
Employee of the Division

EXHIBIT “B”

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

IN THE MATTER OF:	)	
	)	**Appeal No. 2012-20**
MELODY MARIE DETWILER	)	
F/K/A MELODY MARIE ROSE,	)	
	)	
Appellant.	)	
	)	

DECISION AND ORDER

This matter comes before the Hearing Officer on Appeal from a September 12, 2012 Notice of Intent to Issue and Enter Order Revoking Escrow Agent License, Imposing an Administrative Fine and Requiring Payment of Investigative Costs; and Notice of Opportunity for Hearing (hereinafter "Intent to Revoke Order") issued by the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, Before the Commissioner of the Division of Mortgage Lending (hereinafter referred to as the "Division"). The Appeal hearing was held on December 19, 2012, at 1:00 p.m., in the Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101. The Division was represented by Kali Fox Miller, Deputy Attorney General with the Nevada Attorney General's Office. Appellant MELODY MARIE DETWILER f/k/a MELODY MARIE ROSE (hereinafter "Appellant") did not appear at the hearing, nor did anyone appear on Appellant's behalf at the hearing. Investigator Andrea Golyer was present during the hearing and testified on behalf of the Division.

The Division submitted its Disclosure of Witnesses, Documents and Issues Presented on or about November 9, 2012 with Exhibits "A" through "Q" admitted and part of the testimony presented during the subject hearing. The hearing was conducted pursuant to Chapters 233B and

645A of the Nevada Revised Statues (hereinafter "NRS"), and all applicable administrative regulations. Following a review of the evidence, hearing the testimony of the witness, and considering the argument of counsel, the Hearing Officer renders the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On or about March 21, 2012, the Division received a complaint from Complainant CY (hereinafter "CY") against Appellant and Quality Escrow alleging that escrow funds had been mishandled.

2. The Division Staff commenced an investigation of the CY complaint pursuant to NRS 645A.050.

3. During the course of the investigation the Division determined the following:

   a. Appellant made application for and on or about July 22, 2009 was granted escrow license No. 82 by the Commissioner, authorizing Appellant to act on behalf of an escrow agency in the administration of escrows pursuant to NRS 645A.

   b. Appellant last served as an escrow agent for Quality Escrow, where she was employed until on or about June 26, 2012.

   c. Appellant failed to renew her escrow license, and it was classified as "closed" on July 1, 2012.

   d. On or about May 1, 2012, Appellant was provided with an opportunity to show compliance with all lawful requirements for the retention of the license as an escrow agency, in accordance with NRS 233B.127.

e. On or about May 15, 2012, an informal meeting was held providing Appellant with the opportunity to show compliance.

f. Further investigation by Division Staff following the informal meeting disclosed that during the informal meeting held on May 15, 2012, Appellant intentionally and knowingly made a false statement to, or withheld or suppressed information from, the Commissioner concerning Appellant's knowledge and involvement in the transaction that was the subject of the CY complaint.

g. Specifically, Appellant had withheld information regarding her personal relationship with of the seller of the property involved in the subject CY complaint transaction, and the extent of her knowledge of the subject CY complaint transaction taking place outside of a formal escrow process.

h. Complainant CY, after investigation by the Division, did receive all of the monies promised to her through the sale of the subject property, and thus did not have further claims of monetary loss and/or mishandling.

4. On or about September 12, 2012, based upon the foregoing, the Division issued its Intent to Revoke Order, with a Single Count of Intentionally or Knowingly Making a False Statement pursuant to NRS 645A.090(1)(f).

5. Said Intent to Revoke Order also requested an administrative fine and payment of administrative costs pursuant to NRS 622.400.

6. On or about September 19, 2012, and pursuant to NRS 645A.100(2), Appellant submitted a written request for an administrative hearing related to the matter.

7. On or about November 19, 2012, a pre-hearing conference was held in the subject matter. The Division was represented by Kali Fox Miller, Deputy Attorney General with the Nevada Attorney General's Office. Appellant appeared in proper person. At the pre-hearing conference, the parties agreed upon certain deadlines and dates, including but not limited to the date for the subject appeal hearing of December 19, 2012.

8. Notice of the subject hearing was given to Appellant via Certified Mail, with a signature receipt dated November 23, 2012.

9. Any finding of fact that may be deemed a conclusion of law shall so be construed.

CONCLUSIONS OF LAW

10. NRS 645A.010 *et seq*. provides the statutory authority for regulation and supervision of escrow agencies and agents.

11. At all times relevant to this matter, Appellant held a license with the Division of Mortgage Lending pursuant to NRS 645A and is therefore subject to the jurisdiction of the Division.

12. NRS 645A.090(1)(f) provides, in relevant part, that the Commissioner may suspend, revoke or place conditions upon any license or impose a fine on any person of not more than $25,000 for each violation by entering an order to that effect, with the Commissioner's findings in respect thereto, if upon a hearing, it is determined that the applicant, licensee or person has "intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant, licensee or person possesses."

13. NRS 622.400 also provides for the recovery of reasonable attorney fees and costs incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body "[e]nters a final order in which it finds that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body."

14. Pursuant to NRS 233B.125, the Division has shown, by substantial evidence, that Appellant was in violation of NRS 645A(1)(f) when she withheld information related to the CY complaint transaction, specifically information related to her personal involvement with the seller of the subject property, and her knowledge of the CY complaint transaction taking place outside of a formal escrow process.

15. Additionally, by not appearing at the subject hearing to present any evidence or testimony on her behalf, the subject allegations have gone undisputed by Appellant.

16. Any conclusion of law that may be deemed a finding of fact shall be so construed.

ORDER

IT IS HEREBY ORDERED that the September 12, 2012 Order Revoking Escrow Agent License, Imposing Administrative Fine and Requiring Payment of Administrative Costs is AFFIRMED as proper.

IT IS SO ORDERED this 16th day of January, 2013.

ANGELA H. DOWS, ESQ.
HEARING OFFICER

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, and that on January 22, 2013, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, DECISION AND ORDER, addressed as follows:

Commissioner James Westrin
Department of Business & Industry
Division of Mortgage Lending
7220 Bermuda Road, Suite A
Las Vegas, NV 89119

Certified Receipt Number: 7009 2250 0001 8856 5046

DATED this 22nd day of January, 2013

By: _____
Patty L. Walsh, Legal Secretary II

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on, February 7th, 2013, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, FINAL ORDER REVOKING ESCROW AGENT LICENSE, IMPOSING AN ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF ADMINISTRATIVE COSTS for MELODY MARIE DETWILER, F/K/A MELODY MARIE ROSE, addressed as follows:

Melody Marie Detwiler
1604 Bermuda Dunes
Boulder City, NV 89005

Certified Receipt Number: 7009 2250 0001 8861 1675

DATED this 6th day of February, 2013

By: Susan Slack
Employee of the Division