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: KIRK EDWARD BRITT, Applicant.	Order No. 2013-03

FINAL ORDER
DENYING MORTGAGE AGENT LICENSE

Issued and Entered,
This 26th day of June, 2013,
By James Westrin,
Commissioner

I.

BACKGROUND

WHEREAS, 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 645B of the Nevada Revised Statutes, NRS 645B.010 et.seq., and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 et seq., (collectively, the "Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

WHEREAS, the Commissioner is statutorily vested with general supervisory power and control and administrative enforcement authority over all mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to the Act; and,

WHEREAS, on or about April 8, 2013, the Commissioner issued to KIRK EDWARD BRITT (the "Applicant") a NOTICE OF INTENT TO ISSUE FINAL ORDER REVOKING, AND DENYING

RENEWAL OF, MORTGAGE AGENT LICENSE AND NOTICE OF OPPORTUNITY FOR HEARING (the "Notice"), attached hereto as Exhibit 1 and incorporated herein by this reference; and,

WHEREAS, the Notice was served on Applicant on or about April 9, 2013 by First Class Mail and Certified Return Receipt Requested; and,

WHEREAS, the Notice advised Applicant that Applicant was entitled to an administrative hearing in this matter if Applicant filed a written request for hearing within 30 days of receipt of the Notice; and,

WHEREAS, Applicant filed a written request for hearing within 30 day of receipt of the Notice, as required by Chapter 645B of the NRS, NRS 645B.750, and a hearing date was set for June 25, 2013; and,

WHEREAS, Applicant having, thereafter, expressed his desire to cooperate with the Division and to avoid the time and expense involved in an administrative hearing to contest the denial of the license application; and,

WHEREAS, on June 21, 2013, Applicant withdrew its request for an administrative hearing to contest the denial of the license application.

II.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the foregoing and the files and records of the Division of Mortgage Lending, the Commissioner FINDS and CONCLUDES that:

1. At all times relevant to the matters contained herein, the Applicant was and is subject to the jurisdiction of the Commissioner,
2. The Factual Allegations set forth in Section II. of the Notice are true and correct.
3. The Applicant is, as a matter of law and fact, ineligible to hold a mortgage agent license.

III.

ORDER

NOW, THEREFORE, based upon the factual findings set forth above and the files and records of the Division of Mortgage Lending, **IT IS HEREBY ORDERED THAT:**

1. The findings of fact and conclusions of law set forth in the Notice shall be and hereby are found to be true and correct.

2. A FINAL ORDER DENYING MORTGAGE AGENT LICENSE, shall be and hereby is issued and entered against Applicant. FORTHWITH, Applicant shall CEASE AND DESIST from engaging in any activity requiring licensure under the Act.

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

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

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

6. The Commissioner specifically retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to enforce the provisions of the Act and protect the public.

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: _____
James Westrin, Commissioner

EXHIBIT “1”

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: KIRK EDWARD BRITT, Applicant.	Case No. 2013-01

NOTICE OF INTENT TO ISSUE
FINAL ORDER REVOKING, AND DENYING RENEWAL OF, MORTGAGE AGENT LICENSE
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 645B of the Nevada Revised Statutes, NRS 645B.010 et.seq., and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 et seq., (collectively, the "Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

The Commissioner is granted general supervisory power and control and administrative enforcement authority over all mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to the Act; and,

The Commissioner has the specific authority and responsibility under NRS 645B to review and evaluate an applicant's qualifications and suitability for the issuance or renewal of a license as a mortgage agent under the provisions of NRS 645B.410 or NRS 645B.430; and,

Pursuant to that statutory authority and responsibility vested in the Commissioner, and in accordance with provisions of NRS 645B and other applicable law, Notice is hereby provided to KIRK

EDWARD BRITT (the "Applicant"), to give the Applicant notice of facts or conduct which, if true, will result in the issuance of a final order revoking mortgage agent license and denying Applicant's application for the renewal of Applicant's mortgage agent license. The factual allegations and complaint which warrant the intended action are set forth in Section II and the applicable laws are set forth in Section III of this Notice. **Notice is further provided to inform Applicant that prior to the issuance and entry of a final order, Applicant is entitled to an administrative hearing. If Applicant desires to avail itself of the right to an administrative hearing, Applicant 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. On or about October 1, 2005, Applicant made application with the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") for, and was granted, a mortgage agent license, license no. 33527, in accordance with NRS 645B.410.

2. On or about February 13, 2012, Applicant filed application with the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") for the renewal of Applicant's mortgage agent license, in accordance with NRS 645B.430(1).

3. Pursuant to NRS 645B.430(1), an applicant for the renewal of a mortgage agent license must continue to meet the requirements of subsection 3 of NRS 645B.410.

4. Pursuant to NRS 645B.410(3)(b)(1), a mortgage agent license or renewal of a mortgage agent license may only issue if the applicant has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, any felony in the 7 years immediately preceding application and has never been convicted, by trial, plea or otherwise, of a felony which involves an act of fraud, dishonesty or breach of trust, money laundering or moral turpitude.

5. Pursuant to NRS 645B.670(3)(e), it is a violation of the Act for a mortgage agent to have been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, any felony in the 7 years immediately preceding application and has never been convicted, by trial, plea or otherwise, of a felony which involves an act of fraud, dishonesty or breach of trust, money laundering or moral turpitude.

6. The Division's staff conducted an investigation into Applicant's qualifications and suitability for the renewal of Applicant's mortgage agent license and determined that Applicant does not meet the qualifications and requirements necessary for licensure as a mortgage agent under NRS 645B. Specifically, in relation to the investigation staff reviewed information obtained from the Central Repository for Nevada Records of Criminal History, the Federal Bureau of Investigation, and/or other sources which disclosed that Respondent has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in the past 7 years and has been convicted of a felony involving an act of fraud, dishonesty or breach of trust, money laundering or moral turpitude. Namely, Applicant was convicted of a felony in violation of NRS 484.3795 in the State of Nevada, Eighth Judicial District Court, Clark County, on October 18, 2010 {Case No. C268195}, and of a felony involving an act of fraud, dishonesty or breach of trust, money laundering or moral turpitude in violation of NRS 200.380 in the State of Nevada, Eighth Judicial District Court, Clark County, on February 23, 1998 {Case No. C147595}.

7. These convictions or entry or agreement to the entry of a plea of guilty or nolo contendere to a felony, having occurred within 7 years of the date of application, or having involved an act of fraud, dishonesty or breach of trust, money laundering or moral turpitude, render Applicant, as a matter of law and fact, ineligible to hold a license as a mortgage agent.

III.

APPLICABLE LAWS AND PENALTIES

If the facts as alleged are true and correct, Applicant does not meet the statutory requirements to renew and hold a mortgage agent license. Staff believes the following provisions are applicable in this matter:

NRS 645B.430(1), as amended by § 62 of Assembly Bill No. 77 of 2011 , provides as follows:

> 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to the Commissioner on or after November 1 and on or before December

31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170. [Emphasis added.]

NRS 645B.410(3)(b)(1), as amended by § 50.5 of Assembly Bill No. 523 of 2009, provides as follows:

Except as otherwise provided by law, the Commissioner shall issue a license as a mortgage agent to an applicant if:

* * *

(b) The applicant:

(1) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, money laundering or moral turpitude[.]

NRS 645B.670(3)(e), as amended by § 55(2)(j) of Assembly Bill No. 523 of 2009, provides as follows:

3. For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

* * *

(e) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

IV.

NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

This Notice is provided to you pursuant to NRS 645B.750, 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 shall 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 shall enter a final order concerning the matter.

3. A person may appeal a final order of the Commissioner in accordance with the provisions of chapter 233B of NRS that apply to a contested case. [Emphasis added.]

If you wish to exercise your right to an opportunity for an administrative hearing, within 20 calendar days after the date of this Notice, 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 645F.855 will be deemed waived and relinquished and a final order will be issued and entered in this matter.

In addition to the verified petition to request a hearing, you may file a written answer to this Notice of Intent to Issue Final Order Revoking, and Denying Renewal of, Mortgage Agent License.

DIVISION OF MORTGAGE LENDING

By: _____
JAMES WESTRIN, COMMISSIONER

Dated: April 8, 2013

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, April 9th, 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, NOTICE OF INTENT TO ISSUE FINAL ORDER REVOKING, AND DENYING RENEWAL OF MORTGAGE AGENT LICENSE AND NOTICE OF OPPORTUNITY FOR HEARING for KIRK EDWARD BRITT, addressed as follows:

Kirk Edward Britt
264 Pointe Ranier Avenue
Henderson, NV 89012

Certified Receipt Number: 7009 2250 0001 8861 1835

Rowe Nelson
Southern Fidelity Mortgage, LLC
6585 High Street
Las Vegas, NV 89113

Certified Receipt Number: 7009 2250 0001 8861 1842

DATED this 9th day of April, 2013

By: Susan Slack
Employee of the Division

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, June 26th, 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 DENYING MORTGAGE AGENT LICENSE for KIRK EDWARD BRITT, addressed as follows:

Kirk Edward Britt
264 Pointe Ranier Avenue
Henderson, NV 89012

Certified Receipt Number: 7009 2250 0001 8861 1996

Rowe Nelson
Southern Fidelity Mortgage, LLC
6585 High Street
Las Vegas, NV 89113

Certified Receipt Number: 7009 2250 0001 8861 1989

DATED this 26th day of June, 2013

By: Susan Slack
Employee of the Division