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: MATTHEW GARNES, Mortgage Agent License No. UNL, Respondent.	Order No. 2014-110 Case No. 2014-110

CONSENT ORDER
TO CEASE AND DESIST VIOLATING NRS 645B,
TO PAY AN ADMINISTRATIVE FINE AND ADMINISTRATIVE COSTS,
AND GRANTING MORTGAGE AGENT LICENSE WITH CONDITIONS

Issued and Entered,
This 18th day of August, 2015,
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 of the Nevada Revised Statutes, NRS 645B.010 *et seq.* ("NRS 645B"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* ("NAC 645B") (collectively, the "Act"), governing the licensing and conduct of mortgage brokers and mortgage agents doing business in the State of Nevada; and,

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

The Commissioner having been further vested with broad discretion in granting licenses and determining suitability of applicants for licensure under the Act; and,

MATTHEW GARNES ("GARNES") having made application to the Commissioner for a mortgage agent license under the Act on October 22, 2013; and,

The Division of Mortgage Lending (the "Division") staff having thereafter commenced an investigation pursuant to NRS 645B.410 of GARNES' qualifications and suitability to be issued a mortgage agent license under the Act. That investigation revealed the following:

(a) GARNES previously held a mortgage agent license, MLD License No. 9615, from February 20, 2003 until February 21, 2010, when it was terminated for failure to renew.

(b) On August 13, 2010, a final order was issued against GARNES which ordered GARNES to cease and desist from engaging in unlicensed activity and imposed an administrative fine in the amount of $7,500.00 and the Division's investigative costs in the amount of $480.00. The administrative fine and investigative costs were due and payable within 30 days of entry of the final order. GARNES failed to respond to the final order or tender payment of the administrative fine and investigative costs as required by the order and the final order was forwarded to the Nevada State Controller's Office for collection. On or about January 31, 2014, following submission of the instant application for licensure, GARNES made payment in the amount of $4,000.00 in settlement of the outstanding debt.

(c) On or about June 17, 2013, the Division received a complaint concerning GARNES. The Division commenced an investigation of the complaint and from that investigation determined that GARNES had engaged in conduct and activity in violation of the Act. Namely, contrary to NRS 645B.0125 and NRS 645B.400, GARNES was engaged in the activity of an independent contractor loan processor without the requisite mortgage agent license under the Act.

The Division and GARNES having conferred concerning this matter, and GARNES having expressed a desire to cooperate with the Division and to avoid the time and expense of a formal enforcement hearing, and the parties determined to resolve this matter in accordance with the following terms:

(a) GARNES agrees to CEASE AND DESIST from any and all violations of the Act.

(b) GARNES agrees to pay an ADMINISTRATIVE FINE in the amount of $2,500.00, in accordance with NRS 645B.690. It is agreed that if GARNES fully complies with all terms of this

Order, the ADMINISTRATIVE FINE, in the amount of $2,500.00, will be waived and rescinded. If GARNES fails to fully comply with all terms of this Order, the ADMINISTRATIVE FINE will become due immediately.

(c) GARNES agrees to pay the Division's ADMINISTRATIVE COSTS in the amount of $1,350.00.

(d) A mortgage agent license will be granted to GARNES subject to the following conditions:

1. The terms and conditions of the mortgage agent license will remain in effect for a period beginning on the effective date of this Order, as shown in caption hereof, and ending upon either the voluntary revocation of the license, or the issuance of a non-conditional mortgage agent license, provided the Commissioner determines that GARNES is otherwise eligible and suitable for licensure under the Act, on January 1, 2017.

2. GARNES agrees that he will conduct his business in accordance with Act.

3. GARNES agrees that he will timely pay all administrative fines, costs, fees, and assessments due from him in relation to this Order and all future amounts due to the Division for renewal, examination and investigation.

4. GARNES agrees that he will not act as or apply to act as the qualified employee of any licensee under the Act or any Chapter of the Nevada Revised Statutes administered by the Commissioner.

5. GARNES agrees to file a Monthly Activity Report ("MAR") recapping all residential mortgage loans in which he has taken a mortgage loan application. The MAR shall be submitted to the Division by the 15th day of each month for the activity of the previous month. The MAR shall be submitted to sslack@mld.nv.gov and include all of the following information:

a. Loan number;

b. Date application taken;

c. Borrower name;

d. Property address;

e. Purpose;

f. Loan Amount;

g. Terms:

h. Compensation; and

i. Name of loan processor

If GARNES took no mortgage loan applications during a month, the report must indicate zero mortgage loans taken.

6. GARNES further agrees that, upon the determination by the Commissioner that any of the foregoing conditions have been violated, this conditional license may, in the sole discretion of the Commissioner, be voluntarily revoked. GARNES agrees and understands that he is consenting to the voluntary revocation of the conditional license and is waiving his right to judicial review under NRS chapter 233B.

7. GARNES agrees that if the Commissioner, upon receipt of a complaint and, following investigation of such complaint, determines that GARNES has engaged in any activity that would generally subject a licensee to discipline, GARNES will be deemed to be in violation of the terms and conditions of this Order and that GARNES' agrees to submit to the voluntary revocation of the conditional license.

8. GARNES agrees that he will timely and freely respond to any request from the Division for information or records concerning his activity conducted under the conditional license.

If GARNES fully complies with the foregoing terms and conditions of this conditional license between the effective date of this Order and January 1, 2017, then GARNES' conditional status will be lifted and a full non-conditional mortgage agent license will be granted, provided the Commissioner determines that GARNES is otherwise eligible and suitable for licensure under the Act; and,

GARNES, having knowingly and voluntarily affixed his signature to the attached VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER, incorporated herein by reference, has consented to the issuance of this CONSENT ORDER TO CEASE AND DESIST VIOLATING NRS 645B, TO PAY AN ADMINISTRATIVE FINE AND ADMINISTRATIVE COSTS, AND GRANTING MORTGAGE AGENT LICENSE WITH CONDITIONS with the intent to be legally bound hereby, and has waived and relinquished any and all rights that he may now or hereafter have to

be served with a notice of charges and an administrative hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry of this Order; and,

GARNES having had the opportunity to consult with legal counsel of his choosing concerning the matter; and,

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

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. GARNES shall CEASE AND DESIST from any and all violations of the Act.

2. GARNES shall pay to the Division an ADMINISTRATIVE FINE in the amount of $2,500.00. The collection of the ADMINISTRATIVE FINE shall be deferred subject to the following:

   a. If GARNES fully complies with all the terms of this Order, from its effective date through January 1, 2017, the ADMINISTRATIVE FINE, in the amount of $2,500.00, shall be waived and rescinded.

   b. If GARNES fails to fully comply with any term of this Order, the ADMINISTRATIVE FINE, in the amount of $2,500.00, shall immediately become due and payable to the Division.

3. GARNES shall to pay to the Division its ADMINISTRATIVE COSTS in the amount of $1,350.00. The ADMINISTRATIVE COSTS shall be and are due upon GARNES' execution of the Order and shall be tendered to the Division in accordance with the attached Invoice.

4. A mortgage agent license shall be granted and issued to GARNES subject to the conditions set forth above in paragraph (d)(1)-(8) upon GARNES execution and delivery of the attached Order and payment of the related administrative costs.

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

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

7. 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

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: MATTHEW GARNES, Mortgage Agent License No. UNL, Respondent.	Order No. 2014-110 Case No. 2014-110

VOLUNTARY CONSENT

TO ENTRY OF CONSENT ORDER

By affixing my signature thereto, I, MATTHEW GARNES, hereby knowingly and voluntarily, with the intent to be legally bound thereby, consent to the attached Commissioner's CONSENT ORDER TO CEASE AND DESIST VIOLATING NRS 645B, TO PAY AN ADMINISTRATIVE FINE AND ADMINISTRATIVE COSTS, AND GRANTING MORTGAGE AGENT LICENSE WITH CONDITIONS (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.

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

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

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

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

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

7. I hereby indemnify and hold harmless the State of Nevada, the Department of Business and Industry of the State of Nevada, the Division, and each of their members, agents, and employees, and employees of the Nevada Attorney General in their individual and representative capacities against any and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's examination of Respondent, this Voluntary Consent and attached ORDER, and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this matter as a result of said claims, suits, and actions.

11 Aug 2015
DATED

Matthew Garnes
MATTHEW GARNES

Subscribed and sworn to before me this 11 day of August, 2015.

MARTINA ASUNCION
NOTARY PUBLIC
REG. #14-13285-1
MY COMMISSION EXPIRES 02/13/2018
STATE OF NEVADA

Notary Public

In and for the County of CLARK, Nevada

My Commission expires 2/13/2018

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, August 18th, 2015, 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 CONSENT ORDER TO CEASE AND DESIST VIOLATING NRS 645B, TO PAY AN ADMINISTRATIVE FINE AND ADMINISTRATIVE COSTS, AND GRANTING MORTGAGE AGENT LICENSE WITH CONDITIONS and VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER in the matter of MATTHEW GARNES, addressed as follows:

Matthew Garnes
3423 W. Mardon Avenue
Las Vegas, NV 89139

Certified Receipt Number: 7009 2250 0001 8859 0611

DATED this 18th day of August, 2015

By: Susan Slack
Employee of the Division