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: KELLI JO SAMS Mortgage Agent License No. 23116, NMLS ID No. 180337, Respondent.	Order No.: 2014-140 Case No. 2014-140

FINAL ORDER REVOKING MORTGAGE AGENT LICENSE, IMPOSING ADMINISTRATIVE FINE AND ASSESSING ADMINISTRATIVE COSTS

Issued and Entered,
this 19th day of January, 2016,
By James Westrin,
Commissioner

WHEREAS, the Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner"), on or about December 12, 2014, served upon Respondent a Notice of Intent to Issue and Enter Final Order Revoking Mortgage Agent License, Imposing and Administrative Fine, and Requiring Payment of Administrative Costs, and Notice of Opportunity for Hearing (the "Notice"); and,

WHEREAS, Respondent exercised her right to a hearing in this matter and the matter was heard before an independent hearing officer on November 12, 2015; and,

WHEREAS, on December 22, 2015, the hearing officer issued a Decision and Order (the "Decision"), attached hereto as Exhibit A and incorporated herein by reference, containing findings of

fact and conclusions of law affirming the Notice and recommending the Commissioner issue a final order in this matter.

NOW, THEREFORE, it is hereby ORDERED that:

1. The Decision shall be and is adopted and made part of this final order and the factual allegations set forth in the Notice shall be and are found to be true and correct.

2. Respondent's mortgage agent license (MLD Lic. No. 23116/NMLS ID 180337) shall be and hereby is REVOKED.

3. Respondent shall pay to the State of Nevada, Division of Mortgage Lending, an ADMINISTRATIVE FINE in the amount of $7,500.00. The ADMINISTRATIVE FINE shall be and is due and payable upon the effective date of this Order.

4. Respondent shall pay to the State of Nevada, Division of Mortgage Lending, ADMINISTRATIVE COSTS in the amount of $1,410.00. The ADMINISTRATIVE COSTS shall be and are due and payable upon the effective date of this Order.

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

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: _____
JAMES WESTRIN, COMMISSIONER

EXHIBIT “A”

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

IN THE MATTER OF:	)	
	)	Case No. 2014-140
KELLI JO SAMS,	)	
	)	
Appellant.	)	

DECISION AND ORDER

This matter comes before the Hearing Officer on Appeal from a December 12, 2014 Notice of Intent to Issue and Enter Order Revoking Mortgage 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 November 20, 2015, at 10:00 a.m., at the Nevada Transportation Authority, 2290 S. Jones Blvd., Suite 110, Las Vegas, Nevada 89146. The Division was represented by Keith Kizer, Deputy Attorney General with the Nevada Attorney General's Office. Appellant KELLI JO SAMS (hereinafter "Appellant") did not appear at the hearing, nor did anyone appear on Appellant's behalf at the hearing. Investigator Diana Martinez was present during the hearing and testified on behalf of the Division.

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. The Hearing Officer adopts as findings of fact the "Factual Allegations" set forth in the Division's Intent to Revoke Order, attached and incorporated herein by reference.

2. On or about December 12, 2014, the Division issued its Intent to Revoke Order, referencing the following counts: I. Making a False Statement in an Application [regarding Financial Disclosure Question (A)(3)]; II. Suppressing or Withholding Information in Application[regarding Financial Disclosure Question (D)]; and III. Making a False Statement in an Application [regarding Financial Disclosure Question (D)].

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

4. On or about February 11, 2015, and pursuant to NRS 645B.750, Appellant submitted a written request for an administrative hearing related to the matter.

5. This matter was properly noticed for prehearing conference on Tuesday, October 6, 2015, and hearing on Tuesday, October 20, 2015.

6. At the Respondent's request, the prehearing conference and hearing were rescheduled to Friday, October 23, 2015, and Friday, November 20, 2015, respectively, with proper written notice issued to the parties.

7. On October 23, 2015, a pre-hearing conference was scheduled in the subject matter. The Division was represented by Keith Kizer, Deputy Attorney General with the Nevada Attorney General's Office. The Appellant failed to appear.

8. On November 20, 2015, a hearing was held in this matter. The Division was represented by Keith Kizer, Deputy Attorney General with the Nevada Attorney General's Office. The Appellant failed to appear.

9. In several written communications (admitted to the record as State's Exhibits 1 and 2), the Appellant acknowledged: 1) actual notice of the scheduled hearing in this matter; and 2) her decision to willfully fail to appear.

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

CONCLUSIONS OF LAW

1. NRS 645B.010 *et seq.* provides the statutory authority for regulation and supervision of mortgage brokers and agents.

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

3. NRS 645B.670 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 "knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]"

4. 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."

5. At hearing, the Division withdrew the first count alleged in support of its Notice of Intent to Revoke.

6. Pursuant to NRS 233B.125, the Division has shown by substantial evidence, through the remaining counts referenced in the Notice of Intent to Revoke, that Appellant was in violation of NRS 645B.670 when she suppressed or withheld information (Count II) and made a false statement (Count III) in a mortgage agent renewal application.

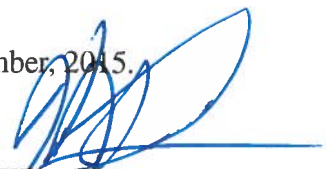
7. Additionally, by not appearing at the subject hearing to present any evidence or testimony on her behalf, the subject allegations are undisputed by Appellant.

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

ORDER

On the grounds set forth hereinabove, IT IS HEREBY ORDERED that the December 12, 2014 *Notice of Intent to Issue and Enter Final Order Revoking Mortgage Agent License, Imposing Administrative Fine, and Requiring Payment of Administrative Costs Order Revoking Escrow Agent License, Imposing Administrative Fine and Requiring Payment of Administrative Costs* is AFFIRMED as proper. The Commissioner of the Division of Mortgage Lending should proceed with issuance of the proposed Final Order.

IT IS SO ORDERED this 22nd day of December, 2015.



KEITH A. SAKELHIDE, HEARING OFFICER
Appointee of James Westrin, Commissioner

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Nevada Transportation Authority, and that on December 22, 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, 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: 7012 1640 0000 6161 2306

DATED this 22nd day of December, 2015

By: R Brownawell

ATTACHMENT TO DECEMBER 22, 2015 DECISION AND ORDER

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: KELLI JO SAMS Mortgage Agent License No. 23116, NMLS ID No. 180337, Respondent.	Order No. 2014- Case No. 2014-140

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

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, renewal, or retention of a license as a mortgage agent under the provisions of NRS 645B.410 and 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 KELLI JO SAMS (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 mortgage agent license, imposing an administrative fine in the amount of $7,500.00, and requiring payment of administrative costs in the amount of $1,410.00. **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 herself 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 III of this Notice.**

I.

FACTUAL ALLEGATIONS

1. On or about February 26, 2004, RESPONDENT made application for and was granted a mortgage agent license by the Commissioner, MLD License No. 23116, pursuant to the provisions of the Act. RESPONDENT'S NMLS Identification Number is 180337.

2. At all times relevant herein, RESPONDENT was licensed by the Commissioner as a mortgage agent, pursuant to the provisions of the Act, and subject to the jurisdiction of the Commissioner.

3. A mortgage agent license expires each year on December 31st unless it is properly renewed in accordance with the requirements set forth in NRS 645B.430(1).

4. Pursuant to NRS 645B.430(1), NRS 645B.410(3)(b)(3), and NRS 645B.410(3)(b)(5), a mortgage agent license may be issued, renewed, or retained, only if the applicant or licensee has not made a false statement, or material fact on his or her application, and has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant or licensee will operate honestly, fairly and efficiently. Specifically, NRS 645B.410(3) provides, in pertinent part, as follows:

> 3. Except as otherwise provided by law, the Commissioner shall issue a license as a mortgage agent to an applicant if:
>
> * * *

(b) The applicant:

* * *

(3) Has not made a false statement, or material fact on his or her application;

* * *

(5) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

5. The Act further grants the Commissioner the authority to impose an administrative fine or other discipline against a mortgage broker that violates the Act. NRS 645B.670(1)(c)(4) specifically provides, in pertinent part, as follows:

(c) 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:

* * *

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]

6. On or about October 12, 2012, RESPONDENT submitted an application to renew her mortgage agent license for the 2013 licensing year and the renewal was then granted based upon RESPONDENT'S representations in that renewal application.

7. On or about December 30, 2013, RESPONDENT submitted an application to renew her mortgage agent license for the 2014 licensing year and the renewal was then granted based upon RESPONDENT'S representations in that renewal application.

8. The Division received information subsequent to RESPONDENT'S submission of her December 30, 2013 renewal application concerning the accuracy of RESPONDENT'S license renewals. The Division Staff thereupon commenced a full and thorough investigation, and from that investigation determined that with regard to both of RESPONDENT'S 2012 and 2013 renewal applications, for the years 2013 and 2014 respectively, RESPONDENT'S attestations and affirmations to their truth, current status, accuracy, and completeness thereof were false, and that RESPONDENT withheld or failed to disclose material information in connection therewith, failing to demonstrate financial responsibility, character and general fitness so as to command the confidence of the community which would warrant a determination that the RESPONDENT will operate honestly, fairly and efficiently and necessary for licensure as a mortgage agent under NRS 645B.

9. On November 4, 2014, via U.S. mail and by certified mail receipt requested (Article No. 7009 2250 0001 8859 4848), RESPONDENT was served with a Notice of Opportunity to show Compliance and Proposed Administrative Complaint which included: (1) notice of facts or conduct which, if true, warrant formal disciplinary action against Respondent's mortgage agent, including revocation of such license, and (2) notice of RESPONDENT'S opportunity to show compliance with all lawful requirements for the retention of her mortgage agent license in accordance with NRS 233B.127 (the "Notice of Opportunity" and "Complaint"), attached hereto as Exhibit A, and incorporated herein by this reference.

10. In its correspondence attached to the Notice of Opportunity and Complaint, the Division advised RESPONDENT that should she wish to exercise her right to an informal conference concerning the matter, she must provide written notification thereof to the Division within 20 days of the date of the Notice of Opportunity and Complaint pursuant to NRS 233B.127.

11. RESPONDENT failed to file written notification to the Division requesting an informal conference and has not otherwise contacted the Division.

12. RESPONDENT'S false statements, misrepresentations, or omissions of material fact in her 2012 and 2013 license-renewal applications and failure to demonstrate the required financial responsibility, character and general fitness so as to command the confidence of the community or warrant a determination that RESPONDENT will operate honestly, fairly and efficiently, constitute violations of NRS 645B.430(1), NRS 645B.410(3)(b)(3), NRS 645B.410(3)(b)(5), and NRS 645B.670(1)(c)(4), which render RESPONDENT unsuitable for licensure as a mortgage agent under NRS 645B.

13. RESPONDENT'S violations of the Act subject her to revocation of her mortgage agent license pursuant to NRS 645B.670(1)(c)(4), imposition of an administrative fine pursuant to NRS 645B.670(1)(c)(4), and payment of administrative costs pursuant to NRS 622.400.

II.

NOTICE OF INTENT TO REVOKE LICENSE, IMPOSE ADMINISTRATIVE FINE, AND REQUIRE PAYMENT OF ADMINISTRATIVE COSTS

Based upon the factual allegations set forth in Section I, above, and as provided in the Notice of Opportunity and Complaint, RESPONDENT is hereby given notice that it is the intent of the Commissioner to issue and enter a final order against RESPONDENT revoking her mortgage agent license, imposing an administrative fine in the amount of $7,500.00, and requiring payment of administrative costs in the amount of $1,410.00. Prior to the issuance and entry of a final order, RESPONDENT is entitled to an opportunity for administrative hearing to contest this matter if RESPONDENT timely makes written application for such hearing in accordance with the instructions set forth in Section III below.

III.

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 NRS 645B.750 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 and Enter Final Order Revoking Mortgage Agent License, Imposing Administrative Fine, and Requiring Payment of Administrative Costs.

DIVISION OF MORTGAGE LENDING

By: James Westrin
JAMES WESTRIN, COMMISSIONER

Dated: December 12, 2014

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: KELLI JO SAMS Mortgage Agent License No. 23116, NMLS ID No. 180337, Respondent.	Order No.: 2014- Case No. 2014-140

NOTICE OF OPPORTUNITY TO SHOW COMPLIANCE
AND
PROPOSED ADMINISTRATIVE COMPLAINT

I.

NOTICE OF OPPORTUNITY TO SHOW COMPLIANCE

This Notice is provided to you pursuant to NRS 233B.127, to inform you that the Division of Mortgage Lending intends to seek the revocation of your Mortgage Agent License based on the acts and conduct outlined in the attached Proposed Administrative Complaint. Prior to the commencement of formal administrative action, you are entitled to an opportunity to show compliance with all lawful requirements for the retention of your mortgage agent license.

If you wish to exercise your right to an opportunity to show compliance at an informal conference, you must provide written notification to the Division within 20 days from the date of mailing of this Notice. Your written notification must be delivered to the Division at:

Division of Mortgage Lending
Attn. Susan Slack
7220 Bermuda Road, Suite A
Las Vegas, Nevada 89119
sslack@mld.nv.gov

If you fail to provide such written notice to the Division within 20 days from the date of mailing of this Notice, your right to an informal conference will be deemed waived and relinquished and formal administrative disciplinary action may be commenced against your mortgage agent license.

DIVISION OF MORTGAGE LENDING

By: James Westrin
JAMES WESTRIN, COMMISSIONER

Dated: 11/4/14

II.

PROPOSED ADMINISTRATIVE COMPLAINT

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.* (the "Act"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (the "Regulation"), 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 over mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to the Act; and,

Pursuant to that statutory authority granted to the Commissioner, and in accordance with provisions of the Act and other applicable law, Notice is hereby provided to **KELLI JO SAMS** (hereinafter, "RESPONDENT") to give RESPONDENT notice of facts or conduct which, if true, warrants the imposition of formal administrative disciplinary against RESPONDENT, up to and including the revocation of RESPONDENT'S mortgage agent license.

///

FACTUAL ALLEGATIONS AND COMPLAINT

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

1. RESPONDENT made application for and was granted a mortgage agent license by the Commissioner, MLD License No. 23116, pursuant to provisions of the Act, on February 26, 2004. RESPONDENT'S NMLS Identification Number is 180337.

2. At all times relevant to this matter, RESPONDENT held a mortgage agent license issued by the Commissioner.

3. A mortgage agent license issued under the Act expires annually on December 31st, unless renewed by the holder of the license.

4. On or about October 12, 2012, RESPONDENT submitted a renewal application to renew RESPONDENT'S mortgage agent license for the licensing period beginning January 1, 2013 and ending December 31, 2013.

5. In relation to, and in support of, the submission of her renewal application, on October 12, 2012, RESPONDENT submitted to the Division a Renewal Attestation ("the Attestation"). In the Attestation, RESPONDENT swore or affirmed that:

a. The information and statements in RESPONDENT'S application were "true, current, accurate and complete", and

b. RESPONDENT has updated her record to "disclose any new event or proceeding requiring an affirmative answer to any Disclosure Question which has occurred since submission of [her] [license] application or renewal application."

6. Based upon information and belief, RESPONDENT'S attestations and affirmations are false and RESPONDENT withheld or failed to disclose material information in connection with her renewal application. The false and withheld information is set forth in COUNTS I and II below.

7. On December 30, 2013, RESPONDENT submitted a renewal application to renew RESPONDENT'S mortgage agent license for the licensing period beginning January 1, 2014 and ending December 31, 2014.

8. In relation to, and in support of, the submission of her submission of her renewal application, on December 30, 2013, RESPONDENT swore or affirmed that:

a. The information and statements in RESPONDENT'S application were "true, current, accurate and complete", and

b. RESPONDENT has updated her record to "disclose any new event or proceeding requiring an affirmative answer to any Disclosure Question which has occurred since submission of [her] [license] application or renewal application."

9. Based upon information and belief, RESPONDENT'S attestations and affirmations are false and RESPONDENT withheld or failed to disclose material information in connection with her renewal application. The false and withheld information is set forth in COUNTS III and IV below.

COUNT I

Making a False Statement in Application

10. The Division re-alleges and incorporates all foregoing facts and allegations as though fully set forth herein.

11. Pursuant to NRS 645B.430(1), to be eligible to renew a mortgage agent license, the holder of the license must continue to meet the requirements of NRS 645B.410(3).

12. NRS 645B.410(3) provides, in pertinent part, as follows:

> 3. Except as otherwise provided by law, the Commissioner shall issue a license as a mortgage agent to an applicant if:
>
> * * *
>
> (b) The applicant:
>
> * * *
>
> (3) Has not made a false statement of material fact on his or her application;
>
> * * *
>
> (5) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a

determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

13. NRS 645B.670(1)(c)(4) provides, in pertinent part, as follows:

(c) 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:

* * *

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]

14. In RESPONDENT'S October 12, 2012, license-renewal application, RESPONDENT answered in the negative to the following Financial Disclosure Question:

(A)(3) Have you been the subject of a foreclosure action within the past 10 years?

15. Based upon information and belief, within the 10-year period prior to October 12, 2012, RESPONDENT was the subject of a foreclosure action. On December 7, 2010, in the matter of *Vera Woods v. Kelli Jo Sams (*Case No. 10C10458), the Circuit Court of the State of Oregon, for the County of Marion, having concluded that RESPONDENT had failed to pay the Plaintiff, Vera Woods, the monetary judgment pursuant to the terms of the court's October 28, 2010 award, entered a General Judgment of Strict Foreclosure of Real Estate Contract against RESPONDENT, which ordered that RESPONDENT reconvey described real property to Ms. Woods, and forever foreclosed all interest by RESPONDENT in such property. In a supplemental judgment entered on January 5, 2011, that court additionally awarded attorney fees in favor of Ms. Woods totaling $7,335.29. On July 18, 2011, following RESPONDENT'S failure to reconvey the real property to Ms. Woods, the Marion Circuit

Court entered an Amended General Judgment of Strict Foreclosure of Real Estate Contract to remove RESPONDENT'S name from title to that property such that the property would be held solely in Ms. Woods' name.

16. RESPONDENT'S answer to Financial Disclosure Question (A)(3) should have been in the affirmative. RESPONDENT, however, answered the question in the negative.

17. RESPONDENT'S failure to disclose the foreclosure action, thereby failing to submit a truthful, accurate and complete renewal application, constitutes the making of a false statement, misrepresentation, or omission of a material fact in the renewal application contrary to NRS 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges RESPONDENT'S suitability for licensure under NRS 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether RESPONDENT has not made a false statement of material fact on her application, and has demonstrated or continues to possess the requisite financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that RESPONDENT will operate honestly, fairly and efficiently for purposes of the Act.

18. RESPONDENT'S false statement, misrepresentation, or omission of a material fact is a violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS 645B.670(1)(c).

COUNT II

Suppressing or Withholding Information in Application

19. The Division re-alleges and incorporates all foregoing facts and allegations as though fully set forth herein.

20. In RESPONDENT'S October 12, 2012, renewal application, RESPONDENT answered affirmatively to the following Financial Disclosure Question:

(D) Do you have any unsatisfied judgments or liens against you?

21. While RESPONDENT admitted to the existence of an unsatisfied small-claims judgment rendered against her in Oregon, based upon information and belief, she did not disclose or otherwise identify the unsatisfied Oregon circuit-court judgments rendered against her in the matters of *AJL Technologies, LLC, an Oregon Corporation v. Kelli J. Sams, individually,* Case No. 08C24037 ("AJL

litigation"), and *Yellow Book Sales and Distribution Company, Inc. v. KJS Enterprises, Inc. and Kelli Sams,* Case No. 100913245 ("Yellow Book litigation").

22. On January 22, 2009, in the AJL litigation, the Circuit Court of the State of Oregon for the County of Marion issued a General Judgment and Money Award on Default against RESPONDENT. Noting that an Order of Default had been signed on January 5, 2009, the court ordered and adjudged that the plaintiff AJL shall have a general judgment against RESPONDENT "in the principal amount of $9,738.78 plus prejudgment interest thereon at the rate of 18% per annum from October 30, 2008 until date of entry of judgment [January 28, 2009]; and for Plaintiff's attorney fees and costs and disbursements incurred herein; and postjudgment interest on all sums from the date of entry of judgment until paid."

23. On November 17, 2010, in the Yellow Book litigation, the Circuit Court of the State of Oregon for the County of Multnomah, issued an Ex Parte Limited Judgment and Money Award against KJS Enterprises, Inc. and RESPONDENT. The court adjudged that the plaintiff Yellow Book Sales and Distribution Company, Inc. shall recover from the debtors KJS Enterprises and RESPONDENT the sum of $18,646.00 and that all properties heretofore attached in the action to be sold, "the proceeds thereof, together with all moneys, if any, in the possession of the sheriff or constable, to be applied toward the satisfaction of this judgment." The Court additionally awarded both prejudgment and postjudgment interest as well as attorney fees, costs and disbursements, and prevailing party fee.

24. Based upon information and belief, at the time she submitted her October 12, 2012 application for renewal of her Nevada mortgage agent license, RESPONDENT had not satisfied the judgment rendered against her in the AJL litigation which remained due and owing in the amount of at least $9,738.78, and had not satisfied the judgment rendered against her in the Yellow Book litigation which remained due and owing in the amount of at least $18,646.00.

25. RESPONDENT'S failures to disclose the unsatisfied judgments rendered against her in both the AJL litigation and Yellow Book litigation, thereby failing to submit an accurate and complete renewal application, constitutes the making of false statements, misrepresentations, or omissions of material facts in the renewal application contrary to NRS 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges RESPONDENT'S suitability for licensure under NRS

645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether RESPONDENT has not made a false statement of material fact on her application, and has demonstrated or continues to possess the requisite financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that RESPONDENT will operate honestly, fairly and efficiently for purposes of the Act.

26. RESPONDENT'S false statements, misrepresentations, or omissions of material facts is a violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS 645B.670(1)(c).

COUNT III

Making a False Statement in Application

27. The Division re-alleges and incorporates all foregoing facts and allegations as though fully set forth herein.

28. In RESPONDENT'S December 30, 2013, renewal application, RESPONDENT answered in the negative to the following Financial Disclosure Question:

(D) Do you have any unsatisfied judgments or liens against you?

29. Based upon information and belief, as provided in Paragraph 22 of Count II, above, RESPONDENT has not satisfied the January 22, 2009 judgment rendered against her in AJL litigation which remains due and owing in the amount of at least $11,913.28.

30. RESPONDENT'S answer to Financial Disclosure Question (D) should have been in the affirmative. RESPONDENT, however, answered the question in the negative.

31. RESPONDENT'S failure to disclose the unsatisfied judgment rendered against her in the AJL litigation, thereby failing to submit an accurate and complete renewal application, constitutes the making of a false statement, misrepresentation, or omission of a material fact in the renewal application contrary to NRS 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges RESPONDENT'S suitability for licensure under NRS 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether RESPONDENT has not made a false statement of material fact on her application, and has demonstrated or continues to possess the requisite financial responsibility, character and general

fitness so as to command the confidence of the community and warrant a determination that RESPONDENT will operate honestly, fairly and efficiently for purposes of the Act.

32. RESPONDENT'S false statement, misrepresentation, or omission of a material fact is a violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS 645B.670(1)(c).

COUNT IV

Making False Statements in Application

33. The Division re-alleges and incorporates all foregoing facts and allegations as though fully set forth herein.

34. In RESPONDENT'S December 30, 2013, renewal application, RESPONDENT answered in the negative to each of the following three Regulatory Action Disclosure questions:

> (K) Has any State or federal regulatory agency or foreign financial regulatory authority or self-regulatory organization (SRO) ever:
>
> (1) found you to have made a false statement or omission or been dishonest, unfair or unethical?
>
> (6) denied or suspended your registration or license or application for licensure, disciplined you, or otherwise by order, prevented you from associating with a financial-services related business or restricted your activities?
>
> (8) issued a final order against you based on violations of any law or regulations that prohibit fraudulent, manipulative, or deceptive conduct?

35. On July 18, 2013, the Director of the Oregon Department of Consumer and Business Services, Division of Finance and Corporate Securities System ("Oregon Director") issued and entered an *Order Denying Mortgage Loan Originator License and Notice of Right to a Hearing* ("License Denial Order," No. M-13-0142). The findings made in the License Denial Order included those which found RESPONDENT to have made *false statements and a material omission* in her May 14, 2013 Oregon MLO application.

///

36. On December 4, 2013, the Oregon Director issued a *Final Order Denying Mortgage Loan Originator License Entered by Default* ("Final License Denial Order," No. M-13-0142). The findings made in the Final License Denial Order included those which found RESPONDENT to have made *false statements and a material omission* in her May 14, 2013, Oregon MLO application.

37. RESPONDENT'S answers to Regulatory Action Disclosure Questions (K)(1), (K)(6), and (K)(8) should have each been in the affirmative, based upon the findings made in both the License Denial Order and Final License Denial Order. RESPONDENT, however, answered all three questions in the negative.

38. RESPONDENT'S failures to disclose each of the state regulatory agency orders and to submit a truthful, accurate and complete renewal application constitutes the making of false statements, misrepresentations, or omissions of a material fact in the renewal application contrary to NRS 645B.430(1), 645B.410(3), and 645B.670(1)(c)(4) and, further, challenges RESPONDENT'S suitability for licensure under NRS 645B.410(3)(b)(3) and NRS 645B.410(3)(b)(5). Specifically, whether RESPONDENT has not made a false statement of material fact on her application, and has demonstrated or continues to possess the requisite financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that RESPONDENT will operate honestly, fairly and efficiently for purposes of the Act.

39. RESPONDENT'S false statements, misrepresentations, or omissions of material facts are in violation of the Act and subjects RESPONDENT to all administrative penalties set forth in NRS 645B.670(1)(c).

APPLICABLE LAWS AND PENALTIES

If the facts as alleged are true and correct, violations of the Act have occurred. In addition to the above-referenced provisions, Staff believes the following provisions are applicable in this matter:

NRS 233B.127(3) provides, in pertinent part, as follows:

> 3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, before the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to

show compliance with all lawful requirements for the retention of the license. . . .

NRS 645B.670(1)(c) provides, in pertinent part, as follows:

Except as otherwise provided in NRS 645B.690:

* * *

(c) 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.

* * *

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter[.]

DIVISION OF MORTGAGE LENDING

By: James Westrin
JAMES WESTRIN, COMMISSIONER

Dated: 11/4/14

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, November 4, 2014, 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 OPPORTUNITY TO SHOW COMPLIANCE AND PROPOSED ADMINISTRATIVE COMPLAINT in the matter of KELLI JO SAMS, addressed as follows:

Kelli Jo Sams
6130 W. Tropicana #166
Las Vegas, NV 89103

Certified Receipt Number: 7009 2250 0001 8859 4848

DATED this 4th day of November, 2014

By: _____
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, December 13th, 2014, 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 FINAL ORDER REVOKING MORTGAGE AGENT LICENSE, IMPOSING ADMINISTRATIVE FINE, AND REQUIRING PAYMENT OF ADMINISTRATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING in the matter of KELLI JO SAMS, addressed as follows:

Kelli Jo Sams
6130 West Tropicana #166
Las Vegas, NV 89103

Certified Receipt Number: 7009 2250 0001 8859 3506

DATED this 12th day of December, 2014

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 January 19, 2016, 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 MORTGAGE AGENT LICENSE, IMPOSING ADMINISTRATIVE FINE AND ASSESSING ADMINISTRATIVE COSTS in the matter of KELLI JO SAMS, addressed as follows:

Kelli Jo Sams
6348 OBannon Drive
Las Vegas, NV 89146

Certified Receipt Number: 7012 2920 0002 1507 7838

DATED this 19th day of January, 2016

By: Susan Slack
Employee of the Division