

1 STATE OF NEVADA
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 DIVISION OF MORTGAGE LENDING

4 Before the Commissioner of the Division of Mortgage Lending

5 _____)
6 In the Matter of:) Order No. 2015-034
7)
8 CALIBER HOME LOANS, INC.,) Case No. 2015-034
9 Mortgage Banker License No. 4060,)
10 NMLS ID No. 15622,)
Respondent.)

11 FINAL ORDER
12 TO IMPOSE ADMINISTRATIVE FINE AND
13 REQUIRE PAYMENT OF ADMINISTRATIVE COSTS

14 Issued and Entered,
15 This 7th day of July, 2016,
16 By James Westrin,
Commissioner

17 **WHEREAS**, the Commissioner of the State of Nevada, Department of Business and Industry,
18 Division of Mortgage Lending (the “Commissioner”) having been statutorily charged with the
19 responsibility and authority to administer and enforce Chapter 645E of the Nevada Revised Statutes,
20 NRS 645E.010 *et seq.* (the “Statute”), and Chapter 645E of the Nevada Administrative Code,
21 NAC 645E.010 *et seq.* (the “Regulation”) (collectively, the “Act”) governing the licensing and conduct
22 of mortgage bankers in the State of Nevada; and,

23 **WHEREAS**, on or about February 5, 2016, the Commissioner issued to Respondent at both its
24 Irving, Texas office (main office) and Scottsdale, Arizona office, NOTICE OF INTENT TO ISSUE
25 ORDER IMPOSING ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF
26 ADMINISTRATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING (the “Notice”)
27 attached hereto as Exhibit 1 and incorporated herein by this reference; and,
28

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:)
CALIBER HOME LOANS, INC.) Case No. 2015-034
Mortgage Banker License No. 4060,)
NMLS ID No. 15622,)
Respondent.)

NOTICE OF INTENT TO ISSUE ORDER
IMPOSING ADMINISTRATIVE FINE AND
REQUIRING PAYMENT OF ADMINISTRATIVE COSTS
AND
NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE 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 645E of the Nevada Revised Statutes, NRS 645E.010 *et seq.* ("NRS 645E") ("the Statute"), as well as Chapter 645E of the Nevada Administrative Code, NAC 645E.010 *et seq.* ("NAC 645E") (the "Regulation"), governing the licensing and conduct of mortgage bankers doing business in the State of Nevada; and,

The Commissioner is further granted general supervisory power and control and administrative enforcement authority over all mortgage bankers doing business in the State of Nevada pursuant to the Statute and the Regulation; and,

The Commissioner has the specific authority and responsibility under NRS 645E to review and evaluate an applicant's qualifications and suitability for the issuance, renewal, or retention of a license as a mortgage banker under the provisions of NRS 645E.200 and NRS 645E.280; and,

1 Pursuant to that statutory authority and responsibility vested in the Commissioner, and in
2 accordance with provisions of NRS 645E and other applicable law, Notice is hereby provided to
3 CALIBER HOME LOANS, INC. (hereinafter, "RESPONDENT"), to give RESPONDENT notice of facts
4 or conduct which, if true, will result in the issuance of an order imposing an administrative fine against
5 RESPONDENT in the amount of \$2,000.00, and requiring payment of administrative costs in the amount
6 of \$120.00. **Notice is further provided to inform RESPONDENT that prior to the issuance and**
7 **entry of such order, RESPONDENT is entitled to an administrative hearing. If RESPONDENT**
8 **desires to avail itself of the right to an administrative hearing, RESPONDENT must timely file a**
9 **written request for an administrative hearing in accordance with the instructions set forth in**
10 **Section III of this Notice.**

11 I.

12 FACTUAL ALLEGATIONS

13 1. At all times relevant to this matter, RESPONDENT held a mortgage banker license under
14 NRS 645E (License No. 4060, NMLS ID No. 15622) and is therefore, subject to the jurisdiction of the
15 Commissioner.

16 2. RESPONDENT, as a condition of holding a mortgage banker license, is required to
17 designate a natural person, who meets the requirements set forth in NAC 645E.310(2), to serve as the
18 licensee's qualified employee. In the event that the designated employee no longer meets the requirements
19 to serve as the qualified employee, the licensee is required by NAC 645E.310(3) to designate a new
20 qualified employee within 30 days (or date thereafter as agreed to by the Commissioner).

21 3. RESPONDENT'S qualified employee was removed on or about May 4, 2015.
22 RESPONDENT was required by NAC 645E.310(3), to have designated a new qualified employee that
23 meets the requirements set forth in NAC 645E.310(2), on or before June 3, 2015.

24 4. RESPONDENT did not designate a new qualified employee to serve as its qualified
25 employee until on or about December 4, 2015.

26 5. On November 3, 2015, via U.S. mail and by certified mail receipt requested (Article No.
27 7009 2250 0001 8859 0703 and Article No. 7009 2250 0001 8859 0710, respectively), RESPONDENT
28 was served with a Notice of Opportunity to Show Compliance and Proposed Administrative Complaint

1 (“NOSC”) which included: (1) notice of facts or conduct which, if true, warrant formal disciplinary
2 action against RESPONDENT’S mortgage banker license, including revocation of such license, and
3 (2) notice of RESPONDENT’S opportunity to show compliance with all lawful requirements for the
4 retention of its mortgage banker license in accordance with NRS 233B.127.

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

9 7. RESPONDENT did not avail itself of its opportunity to show compliance at an informal
10 conference.

11 8. RESPONDENT’S failure to timely designate a new qualified employee for Division
12 approval constitutes a violation of NAC 645E.310(3) and NRS 645E.670(2)(c) which subjects
13 RESPONDENT to all administrative penalties available under NRS 645E.670(2).

14 II.

15 NOTICE OF INTENT TO ISSUE ORDER IMPOSING ADMINISTRATIVE FINE AND
16 REQUIRING PAYMENT OF ADMINISTRATIVE COSTS

17 Based upon the factual allegations set forth in Section I, above, and as provided in the NOSC,
18 RESPONDENT is hereby given notice that it is the intent of the Commissioner to issue and enter an
19 order against RESPONDENT imposing an administrative fine in the amount of \$2,000.00, and requiring
20 payment of administrative costs in the amount of \$120.00. Prior to the issuance and entry of such order,
21 RESPONDENT is entitled to an opportunity for administrative hearing to contest this matter if
22 RESPONDENT timely makes written application for such hearing in accordance with the instructions
23 set forth in Section III below.

24 III.

25 NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

26 This Notice is provided to RESPONDENT pursuant to NRS 645E.750, which provides as
27 follows:
28

1 1. If the Commissioner enters an order taking any disciplinary action
2 against a person or denying a person's application for a license, the
3 Commissioner shall cause a written notice of the order to be served
4 personally or sent by certified mail or telegram to the person.

5 2. Unless a hearing has already been conducted concerning the matter,
6 the person, upon application, is entitled to a hearing. If the person does
7 not make such an application within 20 days after the date of the initial
8 order, the Commissioner shall enter a final order concerning the matter.

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

12 **If RESPONDENT wishes to exercise its right to an opportunity for an administrative**
13 **hearing, within 20 calendar days after the date of this Notice, RESPONDENT must file a verified**
14 **petition with the Commissioner to request a hearing. The verified petition requesting a hearing**
15 **must be delivered to:**

16 Division of Mortgage Lending
17 Attn. Susan Slack
18 7220 Bermuda Road, Suite A
19 Las Vegas, Nevada 89119

20 **If RESPONDENT fails to timely file a verified petition to request a hearing,**
21 **RESPONDENT'S right to a hearing under NRS 645E.750 will be deemed waived and**
22 **relinquished and a final order will be issued and entered in this matter. In addition to the verified**
23 **petition to request a hearing, RESPONDENT may file a written answer to this Notice of Intent to**
24 **Issue and Enter Final Order Imposing Administrative Fine and Requiring Payment of**
25 **Administrative Costs.**

26 DIVISION OF MORTGAGE LENDING

27 By: 
28 JAMES WESTRIN, COMMISSIONER

Dated: 2/5/16

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:)
)
CALIBER HOME LOANS, INC.)
Mortgage Banker License No. 4060,)
NMLS ID No. 15622,)
)
Respondent.)
)

Case No. 2015-034

REQUEST FOR INFORMAL CONFERENCE OR HEARING

I, _____ hereby request an informal conference or contested case hearing, as applicable, in the above-captioned matter.

CONTACT INFORMATION

(Provide contact information and check as applicable)

Home address: _____

Mailing address: _____

Home Phone: _____ Mobile Phone: _____

Office Phone: _____ E-mail Address: _____

COUNSEL CONTACT INFORMATION

Name of Counsel: _____

Address: _____

Office Phone: _____ E-mail Address: _____

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_____ I **am not** represented by counsel and direct all documents and correspondence regarding this matter to be sent to me at the address represented above.

_____ I am represented by counsel and direct all documents and correspondence regarding this matter to be sent to my counsel of record at the address provided above. (Attorneys must attach and file an appearance with this response.)

Respectfully Submitted,
