

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:

USA HOME HUB, LLC,
Mortgage Broker License No. UNL,

Order No. 2016-021

Case No. 2016-021

and

CHRISTOPHER JAMES HIMES,
Mortgage Broker License No. UNL,

and

PAM S. HIMES,
Mortgage Broker License No. UNL,

Respondents.

ORDER TO CEASE AND DESIST,
ORDER TO MAKE RESTITUTION,
ORDER IMPOSING AN ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS
AND
NOTICE OF OPPORTUNITY FOR HEARING

Issued and Entered,
This 13th day of December, 2016,
By Cathy Sheehy,
Commissioner

I.
ORDER TO CEASE AND DESIST,
ORDER TO MAKE RESTITUTION,
AND
ORDER IMPOSING AN ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS

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, 645B.010 *et seq.* ("NRS 645B" or "the Statute"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001

1 *et seq.* (“NAC 645B” or “the Regulation”), governing the licensing and conduct of mortgage brokers
2 and mortgage agents doing business in the State of Nevada; and,

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

6 The Commissioner having been further vested with broad authority to conduct investigations to
7 determine whether any person is violating or has violated any provision of the Statute or the Regulation;
8 and,

9 The Division of Mortgage Lending (the “Division”) having received information indicating that
10 USA HOME HUB, LLC (“HOME HUB”), CHRISTOPHER JAMES HIMES (“C.J. HIMES”), and
11 PAM S. HIMES (“P. HIMES”) (collectively, the “RESPONDENTS”) are or were engaged in activity
12 requiring licensure as a mortgage broker under the Statute; and,

13 The Division having received a complaint against RESPONDENTS on or about April 5, 2016
14 and commenced an investigation pursuant to NRS 645B.060(2)(c) on or about April 6, 2016, and
15 having determined, from that investigation, that RESPONDENTS were engaged in activity requiring
16 licensure as a mortgage broker under the Statute; and,

17 The Division staff having reported the results of its investigation to the Commissioner; and,

18 The Commissioner having reviewed the results of the investigation, makes the following
19 FINDINGS OF FACT and CONCLUSIONS OF LAW:

20 **Findings of Fact**

21 1. NRS 645B.900 prohibits any person from offering or providing any of the services of a
22 mortgage broker or mortgage agent or otherwise engaging in, carrying on or holding himself or herself
23 out as engaging in or carrying on the business of a mortgage broker or mortgage agent without first
24 obtaining the applicable license issued pursuant to this chapter, unless the person is properly exempt
25 from licensure.

26 2. NRS 645B.0127(1)(a)-(d), in pertinent part, defines “[m]ortgage broker” to include “any
27 person who directly or indirectly” does any of the following:
28

1 (a) Holds himself or herself out for hire to serve as an agent for any
2 person in an attempt to obtain a loan which will be secured by a lien on
3 real property;

4 (b) Holds himself or herself out for hire to serve as an agent for any
5 person who has money to lend, if the loan is or will be secured by a lien on
6 real property;

7 (c) Holds himself or herself out as being able to make loans secured by
8 liens on real property;

9 (d) Holds himself or herself out as being able to buy or sell notes
10 secured by liens on real property[.]

11 3. The Division's investigation specifically found the following:

12 a. HOME HUB is a limited liability company organized under the laws of the state
13 of Idaho. HOME HUB is not currently and at no time relevant to this matter been licensed as a
14 mortgage broker in Nevada under the Statute.

15 b. Upon information and belief, HOME HUB is owned by P. HIMES, who also
16 serves as the company's resident agent.

17 c. Also upon information and belief, P. HIMES' husband, C.J. HIMES, engages in
18 the promotion of, solicitation for, and transactions related to the business of HOME HUB.

19 d. P. HIMES is not currently and at no time relevant to this matter been licensed as
20 a mortgage broker under the Statute.

21 e. C.J. HIMES is not currently and at no time relevant to this matter been licensed
22 as a mortgage broker under the Statute.

23 f. C.J. HIMES was initially licensed as a mortgage agent by the Commissioner
24 (License No.47814, NMLS License No. 17288) on July 8, 2010. C.J. HIMES failed to renew his
25 mortgage agent license as of January 1, 2015.

26 g. RESPONDENTS operate and maintain a website located at
27 <http://usahomehub.com> in which RESPONDENTS advertise and promote HOME HUB'S mortgage
28 broker services, representing HOME HUB as a "full spectrum lender" which offers a variety of programs

1 and options to obtain financing for the acquisition or refinancing of properties (including single-family
2 homes and condominiums) as sought for investment purposes. Among the two telephone numbers
3 designated on the website for contact of HOME HUB was a number which portrayed the “702” area code
4 for the Las Vegas metropolitan area.

5 h. Commencing on or about September 25, 2015, after Complainant R.B. was
6 referred to C.J. HIMES and HOME HUB by Complainant’s friend, a realtor (who on November 12,
7 2014 received an e-mailed solicitation from C.J. HIMES advertising and offering the services of HOME
8 HUB in obtaining single-family and multi-unit loans for refinancing the residential property, or for
9 engaging in investment-property financing), R.B. met with C.J. HIMES for the purpose of procuring a
10 loan to refinance her existing mortgage loan on residential property she owned in Las Vegas, Nevada
11 (“Las Vegas house”).

12 i. On or about November 12, 2015, R.B. entered into a written agreement entitled
13 “Approval Letter” with HOME HUB (as signed by C.J. HIMES), in which R.B. authorized HOME
14 HUB to arrange for the issuance of a financing commitment as secured by her Las Vegas house. That
15 document reflects R.B.’s agreement that upon the funding of her financing request, she would pay
16 origination, correspondent, or brokerage fees to HOME HUB for its services, and that following her
17 acceptance of the terms of the Letter of Intent (“LOI”), would deposit required funds to HOME HUB
18 which would be fully credited to her at the time of closing, toward her costs.

19 j. On or about January 9, 2016, after loan approval was obtained, R.B. agreed in a
20 second written agreement entitled “Approval Letter” (as signed by C.J. HIMES) that upon acceptance of
21 the terms of the LOI she would deposit the amount of \$1,495.00 (which included an alleged appraisal
22 fee) to HOME HUB which would be fully credited to her at the time of closing, toward her costs. The
23 loan, in the amount of \$310,000.00, closed on March 14, 2016.

24 k. On January 11, 2016, R.B. paid HOME HUB \$1,495.00 in the form of a Chase
25 Bank check which was deposited into HOME HUB’S US Bank account on or about January 12, 2016.

26 l. Following closure of the loan, R.B. received an invoice from RESPONDENTS
27 dated March 10, 2016, seeking immediate payment for services rendered by HOME HUB in the amount
28

1 of \$1,550.00 for described services including “Personal Credit Audit,” “Credit Packaging,” and
2 “additional items” related to R.B.’s Las Vegas house.

3 m. In RESPONDENTS’ correspondence to the Division dated May 9, 2016, as
4 received by the Division on May 13, 2016, C.J. HIMES claimed that it only marketed its services to real
5 estate agents, did not lend in the state of Nevada, and “have not closed any loans in [sic] state of
6 Nevada.” In RESPONDENTS’ subsequent correspondence to the Division dated June 3, 2016, as
7 received by the Division on June 6, 2016, C.J. HIMES asserted that RESPONDENTS engaged in no
8 marketing activity in Nevada and had not closed any loans in Nevada, but represented that he had
9 informed R.B. that for a fee, he could assist R.B. in finding a lender or mortgage company to obtain
10 refinancing of her Las Vegas house, and informed the Division that for several months, had “talked with
11 a lot of lenders about her.” C.J. HIMES further explained that RESPONDENTS had cancelled the
12 unpaid invoice it had issued to R.B. [dated March 10, 2016], enclosing a copy of an edited version of
13 the invoice, dated June 1, 2016, which reflected a “Cancellation Credit” of \$1,550.00 with sums due in
14 the amount of “0.00.”

15 n. From approximately November 12, 2014 through March 14, 2016,
16 RESPONDENTS engaged in, carried on, or held themselves out as engaging in or carrying on the
17 business of a mortgage broker within the meaning of NRS 645B.0127, when they advertised and
18 promoted its offered mortgage broker services on HOME HUB’S website as well as e-mail
19 solicitations, and when in exchange for compensation, on behalf of R.B., directly communicated with,
20 or represented to R.B. that RESPONDENTS had directly communicated with lenders in arranging or
21 attempting to arrange refinancing of R.B.’s Las Vegas house, the loan for which to be secured by that
22 residence.

23 o. In connection with the foregoing described services with respect to R.B.’s
24 Las Vegas house, R.B. paid a total of \$1,495.00 in fees, tendered in the form of a check drawn from
25 R.B.’s bank account, or directly deposited from R.B.’s account into HOME HUB’S US Bank account.

26 p. As a result of the unlicensed activity of RESPONDENTS in violation of the
27 Statute, R.B. suffered direct economic harm in the approximate amount of \$1,495.00.

1 **Order**

2 The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS
3 have been or are engaged in activities in unlicensed activities in violation of the Statute, and concluded
4 and determined that RESPONDENTS should be ordered to: 1) cease and desist from engaging in any
5 activity requiring licensure under NRS 645B; 2) make restitution; 3) pay an administrative fine; and
6 4) pay the Division's investigative costs:

7 NOW, THEREFORE, IT IS ORDERED that HOME HUB, LLC; CHRISTOPHER JAMES
8 HIMES, and PAM S. HIMES shall immediately CEASE AND DESIST from advertising, engaging in,
9 or otherwise carrying on or holding themselves out as engaging in or carrying on any activities that
10 require licensure as a mortgage broker under the Statute.

11 IT IS FURTHER ORDERED that RESPONDENTS shall make restitution to R.B. in the sum of
12 \$1,495.00 no later than 30 days after the effective date of this Order. The RESTITUTION shall be and
13 hereby is required, jointly and severally, by HOME HUB, LLC; CHRISTOPHER JAMES HIMES; and
14 PAM S. HIMES in accordance with NRS 645B.955(1). RESPONDENTS shall contact the Division
15 within 21 days of the effective date of this Order to make arrangements for the delivery of the required
16 restitution to R.B.

17 IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of \$10,000.00
18 shall be and hereby is imposed, jointly and severally, on HOME HUB, LLC; CHRISTOPHER JAMES
19 HIMES; and PAM S. HIMES in accordance with NRS 645B.690(1). The ADMINISTRATIVE FINE
20 shall be due and payable on the 30th day following the effective date of this Order and shall be tendered
21 to the Division in accordance with the attached wire transfer instructions.

22 IT IS FURTHER ORDERED that RESPONDENTS shall be and hereby are assessed, jointly and
23 severally, on HOME HUB, LLC; CHRISTOPHER JAMES HIMES; and PAM S. HIMES, the
24 Division's INVESTIGATIVE COSTS in the amount of \$3,600.00, in accordance with NRS 622.400.
25 The INVESTIGATIVE COSTS shall be due and payable on the 30th day following the effective date of
26 this Order and shall be tendered to the Division with the ADMINISTRATIVE FINE in accordance with
27 the attached wire transfer instructions.

1 IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter
2 only if RESPONDENTS timely request an administrative hearing in accordance with the instructions
3 set forth in Section II of this Order entitled Notice of Opportunity for an Administrative Hearing. **If no**
4 **administrative hearing is requested within 30 calendar days of the effective date of this ORDER,**
5 **RESPONDENTS shall be deemed to have waived and relinquished the right to an administrative**
6 **hearing in this matter and a FINAL ORDER shall be issued in this matter.**



7 IT IS FURTHER ORDERED that this Order shall be and is effective and enforceable on the
8 date that it is issued and entered, as shown in the caption hereof.

9 IT IS FURTHER ORDERED that this Order shall remain effective and enforceable until
10 terminated, modified, set aside, or suspended in writing by the Commissioner.

11 IT IS FURTHER ORDERED that the Commissioner specifically retains jurisdiction over the
12 matters contained herein and has the authority to issue such further order(s) as the Commissioner shall
13 deem just, necessary, and appropriate to enforce NRS 645B and NAC 645B and protect the public.

14 IT IS SO ORDERED.

15 DIVISION OF MORTGAGE LENDING

16 
17 By: 
18 Cathy Sheehy, Commissioner

II.

NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

NAC 645B.515 provides as follows:

If a person engages in an activity in violation of the provisions of this chapter or chapter 645B of NRS, the Commissioner may issue an order to the person directing the person to cease and desist from engaging in the activity.

2. The order to cease and desist must be in writing and must state that, in the opinion of the Commissioner, the person has engaged in an activity:

(a) For which the person has not received a license or certificate of exemption as required by chapter 645B of NRS; or

(b) In a manner that violates the provisions of this chapter or chapter 645B of NRS.

3. A person who receives an order to cease and desist pursuant to this section shall not engage in any activity governed by chapter 645B of NRS after receiving the order unless the order is suspended or rescinded.

4. Not later than **30 calendar days** after receiving an order pursuant to this section, the person who receives the order may file a verified petition with the Commissioner to request a hearing. Upon receipt of the verified petition, the Commissioner may, for good cause shown, suspend the order pending the hearing. The Commissioner will hold the hearing on a date not later than 30 calendar days after the date the petition is filed unless the Commissioner and the person agree to another date. The order to cease and desist is rescinded if the Commissioner fails to:

(a) Hold a hearing:

(1) Not later than 30 calendar days after the date the petition is filed; or

(2) On a date agreed to by the Commissioner and the person; or

1 (b) Render a written decision within 45 days after the date the hearing is
2 concluded.

3 5. The decision of the Commissioner after a hearing is a final decision
4 of the Division for the purposes of judicial review. [Emphasis added.]

5 **NRS 645B.750 provides as follows:**

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

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

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

17 **If you wish to exercise your right to an opportunity for an administrative hearing, within**
18 **30 calendar days after receiving this Order, you must file a verified petition with the**
19 **Commissioner to request a hearing.**

20 The verified petition requesting a hearing must be delivered to:

21 Division of Mortgage Lending

22 Attn. Susan Slack

23 7220 Bermuda Road, Suite A

24 Las Vegas, Nevada 89119

25 **If you fail to timely file a verified petition to request a hearing, your right to a hearing to**
26 **contest this matter will be deemed waived and relinquished.**

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:)
)
USA HOME HUB, LLC,)
Mortgage Broker License No. UNL,)
)
and)
)
CHRISTOPHER JAMES HIMES,)
Mortgage Broker License No. UNL,)
)
and)
)
PAM S. HIMES,)
Mortgage Broker License No. UNL,)
)
)
Respondents.)
_____)

Order No. 2016-021
Case No. 2016-021

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: _____

1 **COUNSEL CONTACT INFORMATION**

2 Name of Counsel: _____

3 Address: _____

4 _____
5 Office Phone: _____ E-mail Address: _____
6
7

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

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

13 Respectfully Submitted,
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