

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:	)	
	)	Order No. <u>2017-009</u>
CHRISTOPHER DALE BIAGGI,	)	
Mortgage Agent License No. 38,	)	Case No. 2017-009
NMLS ID No. 30066,	)	
	)	
Respondent.	)	
	)	

CONSENT ORDER IMPOSING AN ADMINISTRATIVE FINE,  
REQUIRING COMPLIANCE, AND ASSESSING INVESTIGATIVE COSTS

Issued and Entered,  
This 11th day of December, 2017,  
By Cathy Sheehy,  
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.* ("the Statute"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* ("the Regulation") (collectively "the Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

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

The Commissioner having been further vested with broad authority to conduct investigations to determine whether any person has violated any provision of the Act; and,

CHRISTOPHER DALE BIAGGI (hereinafter "RESPONDENT") made application for and was granted a mortgage agent license, MLD License No. 38, by the Commissioner on or about December 16,

...



1 In his 2016-related Attestation, RESPONDENT swore or affirmed that (a) *The information and*  
2 *statements contained in his online record were “true, accurate and complete” acknowledging he has a*  
3 *duty and agrees “to expediently update and correct the information as it changes,”* and (b) *He had*  
4 *updated the documents on file “to disclose any new event or proceeding requiring an affirmative*  
5 *answer to any Disclosure Question which has occurred since submission of [his] license/registration*  
6 *application or renewal application; and,*

7 RESPONDENT, however, had not updated, corrected, or changed the “no” answers made in  
8 response to Regulatory Action Disclosure Questions (K)(9) and (M) in his 2016 Renewal Application  
9 when he submitted his 2016-related Attestation; and,

10 On or about December 31, 2015, the Division renewed RESPONDENT’S mortgage agent  
11 license based upon the false representations made by RESPONDENT in his 2016-related Attestation;  
12 and,

13 On or about June 10, 2016, RESPONDENT submitted an application to renew his mortgage  
14 agent license for the licensing period beginning January 1, 2017 and ending December 31, 2017 (“2017  
15 Renewal Application”); and,

16 In his 2017 Renewal Application, RESPONDENT answered in the negative to Regulatory  
17 Action Disclosure Questions (K)(9) and (M), quoted above; and,

18 On or about June 10, 2016, in connection with his 2017 Renewal Application, RESPONDENT  
19 attested, “[t]hat the information and statements contained herein, including exhibits attached hereto, and  
20 other information filed herewith, all of which are made a part of this application, are current, true,  
21 accurate and complete. . . .”; and,

22 On or about December 9, 2016, RESPONDENT submitted to the Division via the NMLS, a  
23 license renewal attestation in support of his 2017 Renewal Application (“2017-related Attestation”);  
24 and,

25 In his 2017-related Attestation, RESPONDENT swore or affirmed that (a) *The information and*  
26 *statements contained in his online record were “true, accurate and complete” acknowledging he has a*  
27 *duty and agrees “to expediently update and correct the information as it changes”* and, (b) *He had*  
28 *updated the documents on file “to disclose any new event or proceeding requiring an affirmative*

1 *answer to any Disclosure Question which has occurred since submission of [his] license/registration*  
2 *application or renewal application; and,*

3       On or about December 30, 2016, the Division renewed RESPONDENT'S mortgage agent  
4 license based upon the false representations made by RESPONDENT in both his 2017 Renewal  
5 Application and 2017-related Attestation; and,

6       The Division received information concerning the accuracy of RESPONDENT'S 2016-related  
7 Attestation, 2017 Renewal Application and 2017-related Attestation, and having determined that  
8 RESPONDENT failed to comply with requirements of the Statute and the Regulation; and,

9       RESPONDENT having been served on or about August 21, 2017, and in accordance with NRS  
10 233B.127(3), with a NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER IMPOSING  
11 ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF INVESTIGATIVE COSTS AND  
12 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING providing RESPONDENT with  
13 (1) notice of facts or conduct which warrant disciplinary action against RESPONDENT, and (2) notice  
14 of his opportunity for an administrative hearing; and,

15       An informal conference having been conducted by the Division with RESPONDENT on  
16 October 9, 2017; and,

17       RESPONDENT having expressed his intent to comply with the Statute and the Regulation and  
18 desire to cooperate with the Division and to avoid the time and expense involved in a formal  
19 administrative enforcement hearing; and,

20       The Division and RESPONDENT having conferred concerning this matter and determined to  
21 resolve this matter pursuant to the following terms:

22       1.       RESPONDENT agrees to henceforth CEASE AND DESIST from any violations of the  
23 Act; and,

24       2.       RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the  
25 amount of \$1,500.00; and,

26       3.       RESPONDENT agrees to pay to the Division its INVESTIGATIVE COSTS in the  
27 amount of \$2,610.00 in accordance with NRS 622.400; and,

28 ...

1           4.       RESPONDENT understands and agrees that failure to strictly comply with each and  
2 every provision of this Consent Order is a violation of the Act and is grounds for any discipline  
3 authorized under the Act.

4           RESPONDENT, having knowingly and voluntarily affixed his signature to the attached  
5 VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S CONSENT ORDER ("Voluntary  
6 Consent"), incorporated herein by this reference, has consented to the issuance of this Consent Order  
7 with the intent to be legally bound hereby, and having waived and relinquished any and all rights that  
8 RESPONDENT may now or hereafter have to be served with a notice of charges and an administrative  
9 hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry of this  
10 Consent Order; and,

11           RESPONDENT having had opportunity to consult with legal counsel of his choosing  
12 concerning this matter; and,

13           The Commissioner having made the following FINDINGS and CONCLUSIONS based upon the  
14 foregoing and the books and records of the Division:

15           1.       The Commissioner has jurisdiction and authority to issue this Consent Order in this  
16 matter, pursuant to the Nevada Administrative Procedures Act ("NAPA"), NRS 233B.010 *et seq.*, and  
17 the Mortgage Brokers and Mortgage Agents Act, NRS 645B.010, *et seq.*

18           2.       All required notices have been issued in this matter, and the notices and service thereof  
19 were appropriate and lawful in all respects.

20           3.       The terms of this Consent Order are a reasonable resolution of this matter and in the  
21 public interest.

22           4.       All applicable provisions of NAPA and NRS 622 have been met.

23           5.       RESPONDENT violated NRS 645B.670(1)(c)(12), and NAC 645B.505(3)(d)(3).

24           NOW, THEREFORE, IT IS HEREBY ORDERED that:

25           1.       RESPONDENT shall fully comply with all provisions of the Act and CEASE AND  
26 DESIST from any and all violations of the Act.

27           2.       RESPONDENT shall pay to the Division an ADMINISTRATIVE FINE in the amount of  
28 \$1,500.00. The administrative fine shall be and is due upon RESPONDENT'S execution of the

1 attached Voluntary Consent and shall be tendered to the Division in accordance with the instructions  
2 included in the enclosed invoice.

3 3. RESPONDENT shall pay to the Division INVESTIGATIVE COSTS in the amount of  
4 \$2,610.00. The investigative costs shall be and are due upon RESPONDENT'S execution of the  
5 attached Voluntary Consent and shall be tendered to the Division in accordance with the instructions  
6 included in the enclosed invoice.

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

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

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

14 IT IS SO ORDERED.

15 DIVISION OF MORTGAGE LENDING

16  
17 By   
18 CATHY SHEEHY, COMMISSIONER