

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:

BROOKE BEDSON,
d/b/a "SILVER STATE CONSULTING GROUP,"
a/k/a "SILVER STATE CONSULTING",
Mortgage Broker License No. UNL,

Respondent.

Order No. 2018-005

Case No. 2018-005

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

Issued and Entered,
This 31st day of May, 2018,
By Cathy Sheehy,
Commissioner

I.
ORDER TO CEASE AND DESIST 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.* ("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 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 the Act; and,

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

3 The Division of Mortgage Lending (“the Division”) having received information indicating that
4 BROOKE BEDSON (“RESPONDENT”), in the alleged capacity of BROOKE BEDSON d/b/a
5 “SILVER STATE CONSULTING GROUP,” a/k/a “SILVER STATE CONSULTING,” is or was
6 engaged in activity requiring licensure as a mortgage broker under the Statute; and,

7 The Division having conducted an investigation of the RESPONDENT’S business practices
8 pursuant to NRS 645B.060(2)(c), and determined, from that investigation, that RESPONDENT is or
9 was engaged in activity requiring licensure as a mortgage broker under the Statute; and,

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

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

13 **Findings of Fact**

14 1. NRS 645B.900 prohibits any person from offering or providing any of the services of a
15 mortgage broker or mortgage agent or otherwise engaging in, carrying on or holding himself or herself
16 out as engaging in or carrying on the business of a mortgage broker or mortgage agent without first
17 obtaining the applicable license issued pursuant to the Statute, unless the person is properly exempt
18 from licensure.

19 2. NRS 645B.0127(1) defines “[m]ortgage broker” to include any person who directly or
20 indirectly does any of the following:

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

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

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

1 (d) Holds himself or herself out as being able to buy or sell notes secured
2 by liens on real property; or

3 (e) Offers for sale in this State any security which is exempt from
4 registration under state or federal law and purports to make investments in
5 promissory notes secured by liens on real property.

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

7 a. On or about April 7, 2003, RESPONDENT was issued a salesperson license by the
8 Nevada Real Estate Division.

9 b. RESPONDENT is not currently and has at no time relevant to this matter been
10 licensed by the Commissioner as a mortgage broker in Nevada under the Statute.

11 c. Upon information and belief, RESPONDENT did not obtain any state, county, or city
12 business license to conduct or operate a business in Nevada under the fictitious name of "SILVER
13 STATE CONSULTING GROUP" or "SILVER STATE CONSULTING."

14 d. Based upon information obtained in its investigation of another matter, the Division
15 became aware of facts indicating that RESPONDENT was engaged in activity requiring licensure under
16 the Statute without having first obtained licensure. In particular, during the course of its resulting
17 internal investigation opened in July 2017 concerning the instant case, the Division learned that in
18 February 2016, in connection with the closure of a certain Nevada mortgage transaction, the title
19 company, in conformance with the terms of the final settlement statement in such matter, disbursed
20 \$10,400.00 in loan fees to "SILVER STATE CONSULTING."

21 e. Specifically, on or about February 3, 2015, RESPONDENT opened a preferred
22 checking, business-purpose account at a Las Vegas, Nevada bank (Account Number XXXXXX5839),
23 identifying as the sole proprietor and owner thereof, "Brooke Bedson dba Silver State Consulting
24 Group." RESPONDENT described the address for the account as located at W. Torino Avenue, Las
25 Vegas, which upon information and belief, is residential property at which RESPONDENT resides.

26 f. As reflected in the final settlement statement dated February 26, 2016, for the closing
27 of a loan to refinance an existing mortgage loan on residential property located at Trapani Place, Las
28

1 Vegas, Nevada (Escrow No. XXXXXXXXX-016), the title company was required to disburse \$10,400.00
2 to "SILVER STATE CONSULTING" as the loan fee for new loan charges.

3 g. Pursuant to its check dated February 29, 2016 (No. 70142852), with specific
4 reference to Escrow No. XXXXXXXXX-016, the title company issued \$10,400.00 to "SILVER STATE
5 CONSULTING." On March 1, 2016, the check was posted to the banking account RESPONDENT
6 identified as belonging to "Brooke Bedson dba Silver State Consulting Group" and thereafter cashed by
7 RESPONDENT. The same banking account into which such funds were both deposited and withdrawn
8 therefrom, was closed by the bank on September 6, 2016.

9 h. From approximately February 3, 2015 through September 6, 2016, RESPONDENT,
10 within the meaning of NRS 645B.0127(1), engaged in, carried on, or held herself out for hire as
11 engaging in or carrying on the business of a mortgage broker in Nevada, with respect to at least one loan
12 transaction involving real property, particularly in connection with a loan for the purpose of refinancing
13 a residential mortgage loan as secured by a lien on real property in Nevada. RESPONDENT
14 (additionally misrepresenting that her conduct was performed in the business capacities of "SILVER
15 STATE CONSULTING GROUP" or "SILVER STATE CONSULTING") collected \$10,400.00 for the
16 services she provided as a mortgage broker in procuring that loan.

17 4. RESPONDENT engaged in activities and conduct which require licensure as a mortgage
18 broker under the Statute and is and/or was not exempt from licensure under the Statute.

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

20 Conclusions of Law

21 6. Unless otherwise exempt, it is a violation of NRS 645B.900 for any person to offer or
22 provide any of the services of a mortgage broker or mortgage agent or to engage in, carry on, or
23 otherwise hold himself or herself out as engaging in or carrying on the business of a mortgage broker or
24 mortgage agent without first obtaining the applicable license issued pursuant to the Statute.

25 7. By providing or offering to provide the services of a mortgage broker without having
26 first obtained the applicable license under the Statute, and not being exempt from the licensure
27 requirements, RESPONDENT is in violation of NRS 645B.900.

1 IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter
2 only if RESPONDENT timely requests an administrative hearing in accordance with the instructions set
3 forth in Section II of this Order entitled Notice of Opportunity for Administrative Hearing. **If no**
4 **administrative hearing is requested within 30 calendar days of the effective date of this ORDER,**
5 **RESPONDENT 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 the Act and protect the public.

14 IT IS SO ORDERED.

15
16 DIVISION OF MORTGAGE LENDING

17
18 By: 
19 Cathy Sheehy, Commissioner

20
21 II.

22 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

23 **NAC 645B.515 provides as follows:**

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

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

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

3 (b) In a manner that violates the provisions of this chapter or chapter
4 645B of NRS.

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

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

16 (a) Hold a hearing:

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

18 or

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

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

22 5. The decision of the Commissioner after a hearing is a final decision of
23 the Division for the purposes of judicial review.

24 [Emphasis added.]

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

26 1. If the Commissioner enters an order taking any disciplinary action
27 against a person or denying a person's application for a license, the Commissioner
28

1 shall cause a written notice of the order to be served personally or sent by certified
2 mail or telegram to the person.

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

7 3. A person may appeal a final order of the Commissioner in accordance
8 with the provisions of chapter 233B of NRS that apply to a contested case.

9 [Emphasis added.]

10 **If you wish to exercise your right to an opportunity for an administrative hearing, within**
11 **30 calendar days after receiving this Order, you must file a verified petition with the**
12 **Commissioner to request a hearing.**

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

14 Division of Mortgage Lending

15 Attn. Susan Slack

16 3300 West Sahara Avenue, Suite 285

17 Las Vegas, Nevada 89102

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