

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:

MCM HOLDINGS, INC.,  
Wholesale Mortgage Banker License No. 4535,  
NMLS ID No: 213236,

Respondent.

Order No. 2018-013

Case No. 2018-013

FINAL ORDER  
TO IMPOSE ADMINISTRATIVE FINE AND  
REQUIRE PAYMENT OF INVESTIGATIVE COSTS

Issued and Entered,  
This 17th day of December, 2018,  
By Cathy Sheehy,  
Commissioner

**WHEREAS**, 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 645E of the Nevada Revised Statutes, NRS 645E.010 *et seq.* (“the Statute”), and Chapter 645E of the Nevada Administrative Code, NAC 645E.010 *et seq.* (“the Regulation”) (collectively, “the Act”) governing the licensing and conduct of mortgage bankers in the state of Nevada; and,

**WHEREAS**, on or about November 7, 2018, the Commissioner issued to Respondent a document entitled NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER IMPOSING ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF INVESTIGATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING (“the Notice”) attached hereto as Exhibit 1 and incorporated herein by this reference; and,

1           **WHEREAS**, on or about November 7, 2018, the Notice was served on Respondent at its Florida  
2 office by certified mail receipt requested (Article No. 7012 2920 0002 1507 9528) and First-Class U.S.  
3 Mail; and,

4           **WHEREAS**, the Notice advised Respondent that pursuant to NRS 645E.750, Respondent was  
5 entitled to an administrative hearing in this matter if Respondent filed a written request for a hearing  
6 within 20 days following issuance of the Notice; and,

7           **WHEREAS**, as confirmed by the returned, signed-receipt of the certified mailing as directed to  
8 RESPONDENT at its Florida office, successful delivery of the Notice to RESPONDENT was made; and,

9           **WHEREAS**, Respondent failed to exercise its right to an administrative hearing in this matter,  
10 timely or otherwise, having failed to file a written request for such hearing as required by NRS 645E.750;  
11 and,

12           **WHEREAS**, all required notices have been issued in this matter and the notice and service thereof  
13 were appropriate and lawful in all respects; and,

14           **NOW, THEREFORE**, based upon the factual findings set forth above and the files and records  
15 of the Division of Mortgage Lending, **IT IS HEREBY ORDERED THAT:**

16           1.       The findings of fact and conclusions of law set forth in the Notice shall be and hereby are  
17 found to be true and correct.

18           2.       A FINAL ORDER TO IMPOSE ADMINISTRATIVE FINE AND REQUIRE  
19 PAYMENT OF INVESTIGATIVE COSTS (“FINAL ORDER”) shall be and hereby is issued and  
20 entered against Respondent pursuant to the Act.

21           3.       An ADMINISTRATIVE FINE in the amount of \$5,000.00 shall be and hereby is imposed  
22 upon Respondent.

23           4.       INVESTIGATIVE COSTS in the amount of \$675.00 shall be and hereby are assessed  
24 against Respondent.

25           5.       Payment of the ADMINISTRATIVE FINE and INVESTIGATIVE COSTS shall be due  
26 to the Division no later than 30 days from the effective date of this FINAL ORDER as shown in the  
27 caption hereof. Payment of the ADMINISTRATIVE FINE and INVESTIGATIVE COSTS shall be  
28 tendered to the Division in accordance with the attached invoice.



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# **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:

MCM HOLDINGS, INC.,  
Wholesale Mortgage Banker License No. 4535,  
NMLS ID No. 213236,

Respondent.

Case No.: 2018-013

NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER  
IMPOSING ADMINISTRATIVE FINE AND  
REQUIRING PAYMENT OF INVESTIGATIVE 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” or “the Statute”), and Chapter 645E of the Nevada Administrative Code, NAC 645E.010 *et seq.* (“NAC 645E” or “the Regulation”) (collectively, “the Act”), governing the licensing and conduct of mortgage bankers in the state of Nevada; and,

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

Pursuant to that statutory authority vested in the Commissioner, and in accordance with provisions of NRS 645E and other applicable law, Notice is hereby provided to MCM HOLDINGS, INC. (hereinafter “RESPONDENT”) to give RESPONDENT notice of facts or conduct which, if true, will result in the issuance and entry of a final order against RESPONDENT imposing an administrative fine in the amount of \$5,000.00, and requiring payment of investigative costs in the amount of \$675.00. **Notice is further provided to inform RESPONDENT that prior to issuance and entry of a final**

1 order, RESPONDENT is entitled to an administrative hearing. If RESPONDENT desires to avail  
2 itself of the right to an administrative hearing, RESPONDENT must timely file a written request  
3 for an administrative hearing in accordance with the instructions set forth in Section III of this  
4 Notice.

5 I.

6 FACTUAL ALLEGATIONS

7 1. RESPONDENT, whose foreign name is reflected in Nevada Secretary of State (“NV SOC”)  
8 records as MCM HOLDINGS, INC., is an active Nevada foreign corporation organized under the laws  
9 of the state of Florida, under the identity MCM HOLDINGS II, INC. (NV SOS Entity No. E0034812017-  
10 0).

11 2. On or about April 10, 2017, RESPONDENT made application for and was granted a wholesale  
12 mortgage banker license by the Commissioner (MLD License No. 4535, NMLS ID No. 213236) pursuant  
13 to the provisions of the Act.

14 3. RESPONDENT’S principal office is located at 14100 Palmetto Frontage Road, Suite 300, Miami  
15 Lakes, Florida, 33016.

16 4. At all times relevant herein, RESPONDENT held a wholesale mortgage banker license under the  
17 Statute and is therefore, subject to the jurisdiction of the Commissioner.

18 5. The Act requires each mortgage banker to file each month with the Commissioner a report which  
19 provides the volume of loans arranged by the mortgage banker in the immediately preceding month  
20 (hereinafter, the “monthly activity report”). Specifically, NRS 645E.350(2) mandates that unless on or  
21 after January 1, 2018 the requirement is waived by the Commissioner as provided by NRS 645E.350(3),  
22 each mortgage banker shall submit to the Commissioner each month a report of the mortgage broker’s  
23 activity for the previous month. The report must:

24 (a) Specify the volume of loans arranged by the mortgage banker for the  
25 month or state that no loans were arranged in that month;

26 (b) Include any information required pursuant to the regulations adopted  
27 by the Commissioner; and  
28

1 (c) Be submitted to the Commissioner by the 15<sup>th</sup> day of the month  
2 following the month for which the report is made.

3 6. Similarly, NAC 645E.350 provides as follows:

4 1. Each mortgage banker shall submit, for each month, on a form  
5 approved by the Commissioner, a report on the volume of loans made by  
6 the mortgage banker in that month. The monthly report must be submitted  
7 to the Commissioner by the 15<sup>th</sup> day of the month following the month for  
8 which the report was made. If no loans were made in that month, the report  
9 must state that fact.

10 2. The Commissioner may refuse to renew the license of a mortgage  
11 banker that has not submitted a monthly report as required by subsection 1  
12 for 1 or more of the preceding 12 months.

13 7. Pursuant to NRS 645E.100(2), the term "mortgage banker" includes a wholesale lender.

14 8. The Commissioner has not waived RESPONDENT'S requirement to submit any report of  
15 RESPONDENT'S activity for the previous month as provided in NRS 645E.350(3).

16 9. Contrary to the requirements of NRS 645E.350(2) and NAC 645E.350(1), RESPONDENT  
17 failed to timely submit to the Commissioner its monthly activity reports for the months of April  
18 2017, May 2017, June 2017, August 2017, September 2017, November 2017, December 2017,  
19 January 2018, February 2018, March 2018, April 2018, May 2018, and June 2018.

20 10. To date, contrary to the requirements of NRS 345E.350(2) and NAC 645E.350(1),  
21 RESPONDENT has failed or refused to file with the Commissioner its monthly activity report for  
22 the month of August 2018.

23 11. RESPONDENT'S history of not filing monthly activity reports as timely required was cited  
24 in the Division's Letter of Caution issued to RESPONDENT, dated June 5, 2018. Specifically, that  
25 Letter of Caution found that untimely filed monthly activity reports were submitted for April 2017,  
26 May 2017, June 2017, August 2017, September 2017, November 2017, December 2017, January  
27 2018, February 2018, and March 2018. Such Letter of Caution further expressed that  
28 RESPONDENT had not submitted at all, its monthly activity report for April 2018.

1 12. Pursuant to its express terms, the Letter of Caution stated that the purpose of such notice  
2 was intended to afford RESPONDENT the opportunity to put into place corrective measures to  
3 comply with the required reporting requirements and to prevent late filings or non-filings in the  
4 future. In particular, the Letter of Caution directed RESPONDENT to submit the monthly activity  
5 report for April 2018 by June 11, 2018. However, this specific report was not submitted to the  
6 Commissioner until *June 21, 2018*, over two months after the date on which it was due pursuant to  
7 NRS 645E.350(2) and NAC 645E.350(1), and over one week following the extended deadline as  
8 provided in the Letter of Caution.

9 13. Moreover, on September 17, 2018, upon learning that RESPONDENT'S monthly activity  
10 report for the month of August 2018 had not been timely submitted to the Commissioner as required  
11 under the Act, the Division made e-mail notification to the RESPONDENT'S President, Michael  
12 Camus, in which it explained the company's filing obligations under the Act, provided the  
13 instructions for the filing of the monthly activity report for August 2018, and extended the deadline  
14 by which that report must be submitted, to *September 20, 2018*. The Division informed Mr. Camus  
15 that the refusal or failure to furnish, within a reasonable time, any information, or to make any report  
16 that may be required by the Commissioner, was cause for possible disciplinary action.

17 14. On September 24, 2018, the monthly activity report for August 2018 still not having been  
18 submitted to the Commissioner, the Division emailed Mr. Camus with instruction to submit that  
19 report no later than *September 26, 2018*, to avoid possible disciplinary action.

20 15. On September 27, 2018, despite having been granted two extensions by the Division for  
21 RESPONDENT to submit its already-late, monthly activity report for the month of August 2018,  
22 and the September 26, 2018, deadline having passed without RESPONDENT'S compliance,  
23 Division Compliance-Audit Investigator DK attempted to contact Mr. Camus by telephone regarding  
24 the matter. Mr. Camus apparently being unavailable, Compliance-Audit Investigator DK left a  
25 message with his receptionist requesting that he return the call. When no responsive contact was  
26 forthcoming, Compliance-Audit Investigator made a second and similar attempt to contact Mr.  
27 Camus on September 28, 2018, also to no avail. RESPONDENT continues to fail or refuses to  
28

1 submit to the Commissioner its monthly activity report for the month of August 2018 as required  
2 under the Act.

3 16. Since the date that RESPONDENT was issued a wholesale mortgage broker license under  
4 the Act in April 2017, RESPONDENT has timely submitted its monthly activity reports to the  
5 Commissioner for only three periods of time---those due with respect to the months of July 2017,  
6 October 2017, and July 2018.

7 17. Contrary to the requirements of NRS 345E.350(2) and NAC 645E.350(1), and after the  
8 issuance of a Letter of Caution by the Division, and specifically with respect to the monthly activity  
9 report for August 2018, after directing two e-mails to RESPONDENTS with extended deadlines for  
10 such submission, and two subsequent unsuccessful attempts to speak with RESPONDENT'S  
11 president by telephone concerning the matter, RESPONDENT continues to fail or refuses to submit  
12 reports, or continues to file late reports, in violation of the Act.

13 18. The Act provides that it is a violation of the Act for a mortgage banker to fail to conduct its  
14 business in accordance with the Act or fail or refuse to timely file a required report. The Act further  
15 grants the Commissioner the authority to impose an administrative fine or other discipline against a  
16 mortgage banker that violates the Act. Specifically as applicable to all mortgage bankers licensed  
17 under the Act, NRS 645E.670(2)(c) and (2)(i) specifically provide as follows:

18 (2) For each violation committed by a licensee, the Commissioner may  
19 impose upon the licensee an administrative fine of not more than \$25,000,  
20 may suspend, revoke or place conditions upon the license, or may do both,  
21 if the licensee, whether or not acting as such:

22 \* \* \*

23 (c) Does not conduct his or her business in accordance with law or has  
24 violated any provision of this chapter, a regulation adopted pursuant to this  
25 chapter or an order of the Commissioner;

26 \* \* \*

27 (i) Has refused to permit an examination by the Commissioner of his or her  
28 books and affairs or has refused or failed, within a reasonable time, to

1 furnish any information or make any report that may be required by the  
2 Commissioner pursuant to the provisions of this chapter or a regulation  
3 adopted pursuant to this chapter.

4 19. RESPONDENT'S failure to timely file with the Commissioner its monthly activity report  
5 for the months of April 2017, May 2017, June 2017, August 2017, September 2017, November 2017,  
6 December 2017, January 2018, February 2018, March 2018, April 2018, May 2018, and June 2018,  
7 as well as its failure or refusals to file its monthly activity report for the month of August 2018,  
8 violates NRS 645E.350(2), NAC 645E.350(1), NRS 645E.670(2)(c), and NRS 645E.670(2)(i),  
9 thereby subjecting RESPONDENT to all administrative penalties under the Act.

10 II.

11 NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER  
12 IMPOSING ADMINISTRATIVE FINE AND  
13 REQUIRING PAYMENT OF INVESTIGATIVE COSTS

14 Based upon the factual allegations set forth in Section I, above, RESPONDENT is hereby given  
15 notice that it is the intent of the Commissioner to issue and enter a final order against RESPONDENT  
16 imposing an ADMINISTRATIVE FINE in the amount of \$5,000.00 and INVESTIGATIVE COSTS in  
17 the amount of \$675.00. Prior to the issuance and entry of a final order, RESPONDENT is entitled to an  
18 opportunity for administrative hearing to contest this matter if RESPONDENT timely makes written  
19 application for such hearing in accordance with the instructions set forth in Section III below.

20 III.

21 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

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

- 23 1. If the Commissioner enters an order taking any disciplinary action against a  
24 person or denying a person's application for a license, the Commissioner shall  
25 cause a written notice of the order to be served personally or sent by certified mail  
26 or telegram to the person.
- 27 2. Unless a hearing has already been conducted concerning the matter, the person,  
28 upon application, is entitled to a hearing. If the person does not make such an

1 application within 20 days after the date of the initial order, the Commissioner  
2 shall enter a final order concerning the matter.

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

5 [Emphasis added.]

6 The following provisions of NRS 233B are relevant to the right to hearing in this matter:  
7

8 **NRS 233B.121 Notice of hearing in contested case; contents of notice;**  
9 **representation by counsel; opportunity to respond and present evidence and**  
10 **argument; fees and mileage for witnesses; informal disposition; voluntary**  
11 **surrender of license in contested case deemed disciplinary action; contents of**  
12 **record; transcriptions; findings of fact.**

13 1. In a contested case, all parties must be afforded an opportunity for hearing  
14 after reasonable notice.

15 2. The notice must include:

16 (a) A statement of the time, place and nature of the hearing.

17 (b) A statement of the legal authority and jurisdiction under which the hearing  
18 is to be held.

19 (c) A reference to the particular sections of the statutes and regulations involved.

20 (d) A short and plain statement of the matters asserted. If the agency or other  
21 party is unable to state the matters in detail at the time the notice is served, the initial  
22 notice may be limited to a statement of the issues involved. Thereafter, upon  
23 application, a more definite and detailed statement must be furnished.

24 3. Any party is entitled to be represented by counsel.

25 4. Opportunity must be afforded all parties to respond and present evidence and  
26 argument on all issues involved. An agency may by regulation authorize the  
27  
28

1 payment of fees and reimbursement for mileage to witnesses in the same amounts  
2 and under the same conditions as for witnesses in the courts of this state.

3 5. Unless precluded by law, informal disposition may be made of any contested  
4 case by stipulation, agreed settlement, consent order or default. If an informal  
5 disposition is made, the parties may waive the requirement for findings of fact and  
6 conclusions of law.

7 6. The voluntary surrender of a license in a contested case shall be deemed to  
8 constitute disciplinary action against the licensee.

9 7. The record in a contested case must include:

10 (a) All pleadings, motions and intermediate rulings.

11 (b) Evidence received or considered.

12 (c) A statement of matters officially noticed.

13 (d) Questions and offers of proof and objections, and rulings thereon.

14 (e) Proposed findings and exceptions.

15 (f) Any decision, opinion or report by the hearing officer presiding at the  
16 hearing.

17 8. Oral proceedings, or any part thereof, must be transcribed on request of any  
18 party. The party making the request shall pay all the costs for the transcription.

19 9. Findings of fact must be based exclusively on a preponderance of the evidence  
20 and on matters officially noticed.

21 **NRS 233B.032 “Contested case” defined.**

22 “Contested case” means a proceeding, including but not restricted to rate making  
23 and licensing, in which the legal rights, duties or privileges of a party are required  
24 by law to be determined by an agency after an opportunity for hearing, or in which  
25 an administrative penalty may be imposed.  
26  
27  
28

