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: ALL WESTERN MORTGAGE, INC. Mortgage Broker License No. 204, NMLS ID Nos. 14210 & 1166050, and CHRISTOPHER DALE BIAGGI, President, Sole Shareholder & Qualified Employee, Mortgage Agent License No. 38, NMLS ID No. 30066, Respondents.	Case No. 2015-002

CONSENT ORDER REQUIRING COMPLIANCE,
IMPOSING CONDITIONS UPON MORTGAGE BROKER LICENSES,
IMPOSING AN ADMINISTRATIVE FINE AND ASSESSING INVESTIGATIVE COSTS

Issued and Entered,
This ____ day of _____, 2015,
By James Westrin,
Commissioner

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 645B of the Nevada Revised Statutes, NRS 645B.010 *et. seq.*, (the "NRS"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (the "NAC") (collectively, the "Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

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

On or about January 13, 2004, ALL WESTERN MORTGAGE, INC. ("ALL WESTERN") was granted a mortgage broker license (MLD License No. 402, NMLS ID 14210) to operate its principal office located at 8345 W. Sunset Rd., Suite #380, Las Vegas, Nevada, 89113 (the "Sunset Office"); and,

On or about June 3, 2014, ALL WESTERN was granted a mortgage broker license (MLD No. 402, NMLS ID 1166050) to operate a branch office located at 5595 Kietzke Lane, Suite #116, Reno, Nevada, 89511 (the "Reno Office"); and,

ALL WESTERN is licensed under and authorized to conduct business under the Act in the name "All Western Mortgage, Inc."; and,

CHRISTOPHER DALE BIAGGI ("BIAGGI") is a licensed mortgage agent (MLD License No. 38, NMLS ID 30066), is the sole officer, director and shareholder of ALL WESTERN, and also serves as the Qualified Employee of ALL WESTERN at its Sunset Office; and,

Based upon the results of an investigation of ALL WESTERN and BIAGGI (collectively hereinafter, "RESPONDENTS") and a review of the files and records of the Division of Mortgage Lending (the "Division"), the Commissioner has determined that RESPONDENTS failed to comply with requirements of the Act. Namely, the investigation revealed that contrary to the requirements of NRS 645B.035(1)-(2), NAC 645B.037(2), and NRS 645B.670(1)(b)(3), RESPONDENTS advertised ALL WESTERN'S services through the use of an unapproved and unlicensed fictitious name, and contrary to the requirements of NRS 645B.460 and NRS 645B.670.1(b)(3), RESPONDENTS failed to supervise and control their mortgage agents and Reno Office to ensure the mortgage agents and Reno Office were operating in compliance with the Act; and while the investigation indicated that the fictitious name may have been licensed in California and while nothing in the investigation disclosed that any services were provided under the fictitious name, the fact that ALL WESTERN advertised its services in Nevada under a name not previously approved and licensed in Nevada constitutes a violation of the forgoing laws; and,

On or about March 3, 2015, RESPONDENTS were served with a NOTICE OF INTENT TO ISSUE ORDER REQUIRING COMPLIANCE, IMPOSING ADMINISTRATIVE FINE, ASSESSING INVESTIGATIVE COSTS, AND IMPOSING CONDITIONS UPON MORTGAGE BROKER LICENSE AND NOTICE OF OPPORTUNITY FOR HEARING; and,

RESPONDENTS thereafter contacted the Division and expressed their intent to comply with Act and desire to cooperate with the Division and to avoid the time and expense involved in a formal administrative enforcement hearing; and,

The Division and RESPONDENTS conferred concerning this matter and determined to resolve this matter pursuant to the following terms:

1. RESPONDENTS agree to CEASE AND DESIST from any and all violations of NRS Chapter 645B;

2. RESPONDENTS agree to pay to the Division an ADMINISTRATIVE FINE in the amount of $25,000.00;

3. RESPONDENTS agree to pay the Division's ADMINISTRATIVE COSTS in the amount of $1,005.00, in accordance with NRS 622.400;

4. RESPONDENTS agree to put in place and enforce policies and procedures prohibiting the use of unapproved and unlicensed fictitious names; and

5. RESPONDENTS agree not to seek licensure for or open any new branch locations governed by the Act, including but not limited to NRS 645B.020, for a period of one year from the effective date of this Order.

RESPONDENTS having knowingly and voluntarily affixed their authorized signature to the attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER, incorporated herein by this reference, have consented to the issuance of this Order with the intent to be legally bound hereby, and have waived and relinquished any and all rights that RESPONDENTS may now or hereafter have to an administrative hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry of this Order; and,

RESPONDENTS having had opportunity to consult with legal counsel of their choosing concerning this matter; and,

The Commissioner having made the following FINDINGS and CONCLUSIONS:

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

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

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

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

5. RESPONDENTS violated NRS 645B.035(1)-(2), NRS 645B.460, NRS 645B.670(1)(b)(3) and NAC 645B.037(2).

NOW, THERFORE, IT IS HEREBY ORDERED that:

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

2. RESPONDENTS shall pay to the Division an ADMINISTRATIVE FINE in the amount of $25,000.00. The ADMINISTRATIVE FINE shall be and is due upon RESPONDENTS' execution of the attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER and shall be tendered to the Division in accordance with the instructions included in the enclosed invoice.

3. RESPONDENTS shall pay to the Division ADMINISTRATIVE COSTS in the amount of $1,005.00. The ADMINISTRATIVE COSTS shall be and are due upon RESPONDENTS' execution of the attached VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S ORDER and shall be tendered to the Division with the ADMINISTRATIVE FINE described above in accordance with the instructions included in the enclosed invoice.

4. The following condition shall be imposed upon ALL WESTERN's mortgage broker licenses, referenced above:

a. ALL WESTERN shall put in place and enforce policies and procedures prohibiting the use of unapproved and unlicensed fictitious names.

b. ALL WESTERN shall not seek licensure for or open any new branch locations governed by the Act, including but not limited to NRS 645B.020, for a period of one year from the effective date of this Order.

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

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

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

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: _____
JAMES WESTRIN, COMMISSIONER