



Description



NEVADA MORTGAGE BANKER LICENSE

Who is required to have this license?

A mortgage banker license is required if a person, directly, or indirectly:

Holds himself or herself out as being able to:

- Buy or sell notes secured by liens on real property;
- Make loans secured by liens on real property using his or her own money; or
- Negotiates, originates or makes or offers to negotiate, originate or make commercial mortgage loans as an agent for or on behalf of an institutional investor.

Any natural person, who conducts any of these activities or activities as a residential mortgage loan originator in Nevada on behalf of a mortgage banker must also hold a mortgage agent license. This includes owners and designated qualified employees (QE).

A mortgage banker may not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the entity is also licensed as a mortgage broker.

Mortgage bankers must license each location at which they will conduct business and may have offices located outside of Nevada, in addition to the required in-state office. Licensees may hold both a mortgage broker and mortgage banker license in Nevada. Each licensed office is required to submit separate monthly activity reports to the Division, even if no loans were made. For additional information please visit the Division's website.

Who does not need this license?

A entity who claims an exemption from licensing must ensure that the entity or agency which regulates the conduct of their business provides to the Commissioner written notification that the license of the person provides the right to make mortgage loans and that their regulator will investigate complaints arising from or relating to consumers in Nevada. Additionally, if the entity conducts activity as a residential mortgage loan originator, the person must be in compliance with the requirements of the SAFE Act. The licensing requirements do not apply to the following.

- Any entity doing business under the laws of this State, or any other state in the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or credit union.
- A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.
- An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

- An attorney at law rendering services in the performance of his or her duties as an attorney at law.
- A real estate broker rendering services in the performance of his or her duties as a real estate broker.
- Any person doing any act under an order of any court.
- Any one natural person, or husband and wife, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.
- Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.
- A seller of real property who offers credit secured by a mortgage of the property sold.

Pre-requisites for license applications

Nevada requires documentation and items to be submitted directly to the Division in addition to completion of the MU1 application on NMLS. The following is a synopsis of these requirements:

- Bond amount: Nevada requires a \$50,000 bond if a mortgage banker arranges \$20,000,000 or less in loans per year. If a mortgage banker arranges more than \$20,000,000 in loans in a year, a \$75,000 bond is required. The bond must name the mortgage banker and all employed or associated mortgage agents as principals.
- Criminal background check: Nevada requires submission of one fingerprint card for each natural person who holds either a 10% or greater ownership in the company or directs and controls the company. Persons not meeting criminal standards prescribed in NRS 645E.200 will not be approved.
- Credit check: Nevada requires authorization to pull credit histories for each natural person who holds either a 10% or greater ownership in the company or directs and controls the company. Persons not meeting criminal standards prescribed in NRS 645E.200 will not be approved.
- Experience: An applicant must have at least 2 years of experience within the last five years in the mortgage industry. An applicant who is not natural person must designate a natural person as the QE. The QE must be licensed as a mortgage agent and must be present at the office the majority of time the office is open to the public. Only one qualified employee may be designated to oversee each office of the licensee.
- Net worth: Must maintain a positive net worth.
- Each natural person who holds either a 10% or greater ownership in the company or directs and controls the company, as well as the designated qualified employee must be in compliance with court ordered child support obligations

WHO TO CONTACT – Contact the Division of Mortgage Lending licensing staff by phone at (775) 684-7060 or send your questions via e-mail to mldinfo@mld.nv.gov for additional assistance.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE JURISDICTION SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH THE NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT YOUR LEGAL COUNSEL.