

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:)
DESIGN FINANCIAL) Order No.: 2013-05
and) Case No.: 2013-07
MARK E. HAMLIN)
Mortgage Broker License No. 16)
Respondent.)

CONSENT ORDER
TO CEASE AND DESIST VIOLATING NRS 645B
AND
TO PAY ADMINISTRATIVE FINE

Issued and Entered,
This 26th day of July, 2013,
By James Westrin,
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., and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 et seq., (collectively, the "Act") governing the licensing and conduct of mortgage broker and mortgage agents in the State of Nevada; and,

The Commissioner having been granted 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,

1 Design Financial (“Respondent”), a domestic corporation organized under the laws of the State
2 of Nevada, having been licensed as a mortgage broker pursuant to NRS 645B at all times relevant to
3 this matter and, therefore, subject to the jurisdiction and supervision of the Commissioner; and,

4 The Commissioner having determined, from investigation of the Respondent and review of the
5 files and records of the Division of Mortgage Lending (the “Division”), that Respondent failed to
6 comply with requirements of the Act. Namely, the investigation revealed that:

7 a. Contrary to the requirements of NRS 645B.080(2), Respondent has failed or refused to
8 timely file with the Commissioner a report which provides the volume of loans arranged by the
9 mortgage broker in the immediately preceding month (hereinafter, the “monthly activity report”) for the
10 month(s) of August 2012, September 2012, October 2012, November 2012, December 2012, January
11 2013, February 2013 and March 2013.

12 b. Respondent’s history of not filing monthly activity reports timely was cited in
13 Respondent’s September 18, 2012 examination report. In a letter to the Division dated October 18,
14 2012, Respondent stated there was no excuse for this violation and represented that Respondent would
15 make it a priority to comply with the reporting requirement.

16 c. Despite Respondent’s representations made in response to the draft examination report,
17 Respondent continues to file late monthly activity reports. Specifically, since Respondent’s
18 representation, Respondent has been delinquent in filing its monthly activity report for November 2012,
19 December 2012, January 2013, February 2013, and March 2013; and,

20 The Commissioner having served upon Respondent on or about May 14, 2013, a Notice of
21 Intent to Impose Administrative Fine and Notice of Opportunity For Hearing; and,

22 Respondent having thereafter expressed a desire to cooperate with the Division, and to avoid the
23 time and expense involved in a formal administrative enforcement hearing; and,

24 The Division and Respondent having conferred concerning this matter and determined to resolve
25 this matter pursuant to the following terms:

26 1. Respondent agrees to CEASE AND DESIST from any violation of NRS 645B, as set
27 forth above

1 2. Respondent agrees to submit monthly activity reports timely as required by NRS
2 645B.080(2);

3 3. Respondent agrees to pay to the Division, upon the entry of this order, an
4 ADMINISTRATIVE FINE in the amount of \$1,000.00; and,

5 Respondent having knowingly and voluntarily affixed its signatures to the attached
6 VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER, incorporated herein by this reference,
7 has consented to the issuance of this CONSENT ORDER TO CEASE AND DESIST VIOLATING
8 NRS 645B AND TO PAY ADMINISTRATIVE FINE (the "Order") with the intent to be legally bound
9 hereby, and has waived and relinquished any and all rights that RESPONDENT may now or hereafter
10 have to an administrative hearing in this matter or to judicial review of, or otherwise challenge or
11 contest, the entry of this Order; and,

12 Respondent having had opportunity to consult with legal counsel of its choosing concerning this
13 matter; and,

14 The Commissioner having determined that the terms of this ORDER are a reasonable resolution
15 of this matter and in the public interest.

16 NOW, THEREFORE, IT IS HEREBY ORDERED that:

17 1. Respondent shall immediately CEASE AND DESIST from violating NRS 645B, and
18 shall, henceforth, timely file its monthly activity reports in accordance with NRS 645B.080(2).

19 2. RESPONDENT shall pay to the Division, an ADMINISTRATIVE FINE in the amount
20 of \$1,000.00 upon the entry of this order.

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

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

25 5. The Commissioner specifically retains jurisdiction over the matters contained herein and
26 has the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to
27 enforce the provisions of NRS 645B.010 et seq. and protect the public.

28

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING



JAMES WESTRIN, COMMISSIONER

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