

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:	)	
	)	
KIRK EDWARD BRITT,	)	
	)	
Applicant.	)	
	)	

Order No. 2013-03

FINAL ORDER  
DENYING MORTGAGE AGENT LICENSE

Issued and Entered,  
This 26th day of June, 2013,  
By James Westrin,  
Commissioner

I.

BACKGROUND

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

**WHEREAS**, the Commissioner is statutorily 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,

**WHEREAS**, on or about April 8, 2013, the Commissioner issued to KIRK EDWARD BRITT (the "Applicant") a NOTICE OF INTENT TO ISSUE FINAL ORDER REVOKING, AND DENYING



1 III.

2 ORDER

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

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

7 2. A FINAL ORDER DENYING MORTGAGE AGENT LICENSE, shall be and hereby is  
8 issued and entered against Applicant. FORTHWITH, Applicant shall CEASE AND DESIST from  
9 engaging in any activity requiring licensure under the Act.

10 3. Respondent shall promptly respond to any request from the Division for documents,  
11 testimony, or other requests for information related to any matter implied herein and to voluntarily  
12 provide complete and truthful testimony related thereto.

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

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

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

20 IT IS SO ORDERED.

21  
22 DIVISION OF MORTGAGE LENDING

23  
24  
25   
James Westin, Commissioner

# **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:	)	
KIRK EDWARD BRITT,	)	
Applicant.	)	

Case No. 2013-01

NOTICE OF INTENT TO ISSUE  
 FINAL ORDER REVOKING, AND DENYING RENEWAL OF, MORTGAGE AGENT LICENSE  
 AND  
 NOTICE OF OPPORTUNITY FOR HEARING

I.  
 NOTICE OF INTENT

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

The Commissioner is 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,

The Commissioner has the specific authority and responsibility under NRS 645B to review and evaluate an applicant's qualifications and suitability for the issuance or renewal of a license as a mortgage agent under the provisions of NRS 645B.410 or NRS 645B.430; and,

Pursuant to that statutory authority and responsibility vested in the Commissioner, and in accordance with provisions of NRS 645B and other applicable law, Notice is hereby provided to KIRK

1 EDWARD BRITT (the "Applicant"), to give the Applicant notice of facts or conduct which, if true, will  
2 result in the issuance of a final order revoking mortgage agent license and denying Applicant's application  
3 for the renewal of Applicant's mortgage agent license. The factual allegations and complaint which  
4 warrant the intended action are set forth in Section II and the applicable laws are set forth in Section III of  
5 this Notice. Notice is further provided to inform Applicant that prior to the issuance and entry of a  
6 final order, Applicant is entitled to an administrative hearing. If Applicant desires to avail itself of  
7 the right to an administrative hearing, Applicant must timely file a written request for an  
8 administrative hearing in accordance with the instructions set forth in Section IV of this Notice.

9 II.

10 FACTUAL ALLEGATIONS AND COMPLAINT

11 The staff of the Division of Mortgage Lending alleges that the following facts are true and correct:

12 1. On or about October 1, 2005, Applicant made application with the State of Nevada, Department of  
13 Business and Industry, Division of Mortgage Lending (the "Division") for, and was granted, a mortgage  
14 agent license, license no. 33527, in accordance with NRS 645B.410.

15 2. On or about February 13, 2012, Applicant filed application with the State of Nevada, Department  
16 of Business and Industry, Division of Mortgage Lending (the "Division") for the renewal of Applicant's  
17 mortgage agent license, in accordance with NRS 645B.430(1).

18 3. Pursuant to NRS 645B.430(1), an applicant for the renewal of a mortgage agent license must  
19 continue to meet the requirements of subsection 3 of NRS 645B.410.

20 4. Pursuant to NRS 645B.410(3)(b)(1), a mortgage agent license or renewal of a mortgage agent  
21 license may only issue if the applicant has not been convicted of, or entered or agreed to enter a plea of  
22 guilty or nolo contendere to, any felony in the 7 years immediately preceding application and has never  
23 been convicted, by trial, plea or otherwise, of a felony which involves an act of fraud, dishonesty or breach  
24 of trust, money laundering or moral turpitude.

25 5. Pursuant to NRS 645B.670(3)(e), it is a violation of the Act for a mortgage agent to have been  
26 convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, any felony in the 7 years  
27 immediately preceding application and has never been convicted, by trial, plea or otherwise, of a felony  
28 which involves an act of fraud, dishonesty or breach of trust, money laundering or moral turpitude.



1 31 of each year, or on a date otherwise specified by the Commissioner by  
2 regulation:

3 (a) An application for renewal;

4 (b) Except as otherwise provided in this section, satisfactory proof that  
5 the holder of the license as a mortgage agent attended at least 10 hours of  
6 certified courses of continuing education during the 12 months  
7 immediately preceding the date on which the license expires; and

8 (c) A renewal fee set by the Commissioner of not more than \$170.

9 [Emphasis added.]

10 **NRS 645B.410(3)(b)(1), as amended by § 50.5 of Assembly Bill No. 523 of 2009, provides as follows:**

11 Except as otherwise provided by law, the Commissioner shall issue a  
12 license as a mortgage agent to an applicant if:

13 \* \* \*

14 (b) The applicant:

15 (1) Has not been convicted of, or entered or agreed to enter a plea of  
16 guilty or nolo contendere to, a felony in a domestic, foreign or military  
17 court within the 7 years immediately preceding the date of the application,  
18 or at any time if such felony involved an act of fraud, dishonesty or a  
19 breach of trust, money laundering or moral turpitude[.]

20 **NRS 645B.670(3)(e), as amended by § 55(2)(j) of Assembly Bill No. 523 of 2009, provides as**  
21 **follows:**

22 3. For each violation committed by a mortgage agent, the Commissioner  
23 may impose upon the mortgage agent an administrative fine of not more  
24 than \$25,000, may suspend, revoke or place conditions upon the mortgage  
25 agent's license, or may do both, if the mortgage agent, whether or not  
26 acting as such:

27 \* \* \*

1 (e) Has been convicted of, or entered or agreed to enter a plea of guilty or  
2 nolo contendere to, a felony in a domestic, foreign or military court within  
3 the 7 years immediately preceding the date of the application, or at any  
4 time if such felony involved an act of fraud, dishonesty or a breach of  
5 trust, moral turpitude or money laundering.

6 IV.

7 NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

8 This Notice is provided to you pursuant to NRS 645B.750, which provides as follows:

- 9 1. If the Commissioner enters an order taking any disciplinary action  
10 against a person or denying a person's application for a license, the  
11 Commissioner shall cause a written notice of the order to be served  
12 personally or sent by certified mail or telegram to the person.
- 13 2. Unless a hearing has already been conducted concerning the matter,  
14 the person, upon application, is entitled to a hearing. If the person does  
15 not make such an application within 20 days after the date of the initial  
16 order, the Commissioner shall enter a final order concerning the matter.
- 17 3. A person may appeal a final order of the Commissioner in accordance  
18 with the provisions of chapter 233B of NRS that apply to a contested  
19 case. [Emphasis added.]

20 **If you wish to exercise your right to an opportunity for an administrative hearing, within**  
21 **20 calendar days after the date of this Notice, you must file a verified petition with the**  
22 **Commissioner to request a hearing. The verified petition requesting a hearing must be delivered**  
23 **to:**

24 Division of Mortgage Lending

25 Attn. Susan Slack

26 7220 Bermuda Road, Suite A

27 Las Vegas, Nevada 89119

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