

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:

CHRISTOPHER DALE BIAGGI,
Mortgage Agent License No. 38,
NMLS ID No. 30066,

Respondent.

Order No. 2017-009

Case No. 2017-009

CONSENT ORDER IMPOSING AN ADMINISTRATIVE FINE,
REQUIRING COMPLIANCE, AND ASSESSING INVESTIGATIVE COSTS

Issued and Entered,
This 11th day of December, 2017,
By Cathy Sheehy,
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.* ("the Statute"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* ("the Regulation") (collectively "the Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

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

The Commissioner having been further vested with broad authority to conduct investigations to determine whether any person has violated any provision of the Act; and,

CHRISTOPHER DALE BIAGGI (hereinafter "RESPONDENT") made application for and was granted a mortgage agent license, MLD License No. 38, by the Commissioner on or about December 16,

...

1 1999. RESPONDENT'S NMLS Identification Number is 30066. RESPONDENT has held his mortgage
2 agent license at all times relevant to this matter, subject to the jurisdiction of the Commissioner; and,

3 RESPONDENT is the sole officer and owner of ALL WESTERN MORTGAGE, INC. ("ALL
4 WESTERN"), an active domestic corporation, formed and existing under the laws of the state of Nevada,
5 which made application for and was granted a mortgage broker license, MLD License No. 402, by the
6 Commissioner on or about January 13, 2004; and,

7 RESPONDENT has served as the qualified employee of ALL WESTERN at its principal Nevada
8 office, and is currently the qualified employee of ALL WESTERN; and,

9 A mortgage agent license expires annually on December 31st, unless it is properly renewed in
10 accordance with the requirements set forth in NRS 645B.430(1); and,

11 On April 7, 2015, RESPONDENT submitted an application to renew his mortgage agent license
12 for the licensing period beginning January 1, 2016 and ending December 31, 2016 ("2016 Renewal
13 Application"); and,

14 In his 2016 Renewal Application, RESPONDENT answered in the negative to both of the
15 following Regulatory Action Disclosure Questions:

16 *(K) Has any State or federal regulatory agency or foreign financial*
17 *regulatory authority or self-regulatory organization (SRO) ever:*

18 *(9) entered an order concerning you in connection with any license or*
19 *registration?*

20 *(M) Based upon activities that occurred while you exercised control over*
21 *an organization, has any State or federal regulatory agency or foreign financial*
22 *regulatory authority or self-regulatory organization (SRO) ever taken any of the*
23 *actions listed in (K) through (L) above against any organization?*

24 On September 10, 2015, the Commissioner issued and entered an order (Order No. 2015-002)
25 against ALL WESTERN and RESPONDENT ("the Consent Order"); and,

26 On or about December 28, 2015, following issuance of the Consent Order, RESPONDENT
27 submitted to the Division via the NMLS, a license renewal attestation in support of his 2016 Renewal
28 Application ("2016-related Attestation"); and,

...

1 In his 2016-related Attestation, RESPONDENT swore or affirmed that (a) *The information and*
2 *statements contained in his online record were “true, accurate and complete” acknowledging he has a*
3 *duty and agrees “to expediently update and correct the information as it changes,”* and (b) *He had*
4 *updated the documents on file “to disclose any new event or proceeding requiring an affirmative*
5 *answer to any Disclosure Question which has occurred since submission of [his] license/registration*
6 *application or renewal application; and,*

7 RESPONDENT, however, had not updated, corrected, or changed the “no” answers made in
8 response to Regulatory Action Disclosure Questions (K)(9) and (M) in his 2016 Renewal Application
9 when he submitted his 2016-related Attestation; and,

10 On or about December 31, 2015, the Division renewed RESPONDENT’S mortgage agent
11 license based upon the false representations made by RESPONDENT in his 2016-related Attestation;
12 and,

13 On or about June 10, 2016, RESPONDENT submitted an application to renew his mortgage
14 agent license for the licensing period beginning January 1, 2017 and ending December 31, 2017 (“2017
15 Renewal Application”); and,

16 In his 2017 Renewal Application, RESPONDENT answered in the negative to Regulatory
17 Action Disclosure Questions (K)(9) and (M), quoted above; and,

18 On or about June 10, 2016, in connection with his 2017 Renewal Application, RESPONDENT
19 attested, “[t]hat the information and statements contained herein, including exhibits attached hereto, and
20 other information filed herewith, all of which are made a part of this application, are current, true,
21 accurate and complete. . . .”; and,

22 On or about December 9, 2016, RESPONDENT submitted to the Division via the NMLS, a
23 license renewal attestation in support of his 2017 Renewal Application (“2017-related Attestation”);
24 and,

25 In his 2017-related Attestation, RESPONDENT swore or affirmed that (a) *The information and*
26 *statements contained in his online record were “true, accurate and complete” acknowledging he has a*
27 *duty and agrees “to expediently update and correct the information as it changes”* and, (b) *He had*
28 *updated the documents on file “to disclose any new event or proceeding requiring an affirmative*

1 *answer to any Disclosure Question which has occurred since submission of [his] license/registration*
2 *application or renewal application; and,*

3 On or about December 30, 2016, the Division renewed RESPONDENT'S mortgage agent
4 license based upon the false representations made by RESPONDENT in both his 2017 Renewal
5 Application and 2017-related Attestation; and,

6 The Division received information concerning the accuracy of RESPONDENT'S 2016-related
7 Attestation, 2017 Renewal Application and 2017-related Attestation, and having determined that
8 RESPONDENT failed to comply with requirements of the Statute and the Regulation; and,

9 RESPONDENT having been served on or about August 21, 2017, and in accordance with NRS
10 233B.127(3), with a NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER IMPOSING
11 ADMINISTRATIVE FINE AND REQUIRING PAYMENT OF INVESTIGATIVE COSTS AND
12 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING providing RESPONDENT with
13 (1) notice of facts or conduct which warrant disciplinary action against RESPONDENT, and (2) notice
14 of his opportunity for an administrative hearing; and,

15 An informal conference having been conducted by the Division with RESPONDENT on
16 October 9, 2017; and,

17 RESPONDENT having expressed his intent to comply with the Statute and the Regulation and
18 desire to cooperate with the Division and to avoid the time and expense involved in a formal
19 administrative enforcement hearing; and,

20 The Division and RESPONDENT having conferred concerning this matter and determined to
21 resolve this matter pursuant to the following terms:

22 1. RESPONDENT agrees to henceforth CEASE AND DESIST from any violations of the
23 Act; and,

24 2. RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the
25 amount of \$1,500.00; and,

26 3. RESPONDENT agrees to pay to the Division its INVESTIGATIVE COSTS in the
27 amount of \$2,610.00 in accordance with NRS 622.400; and,

28 . . .

1 4. RESPONDENT understands and agrees that failure to strictly comply with each and
2 every provision of this Consent Order is a violation of the Act and is grounds for any discipline
3 authorized under the Act.

4 RESPONDENT, having knowingly and voluntarily affixed his signature to the attached
5 VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S CONSENT ORDER ("Voluntary
6 Consent"), incorporated herein by this reference, has consented to the issuance of this Consent Order
7 with the intent to be legally bound hereby, and having waived and relinquished any and all rights that
8 RESPONDENT may now or hereafter have to be served with a notice of charges and an administrative
9 hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry of this
10 Consent Order; and,

11 RESPONDENT having had opportunity to consult with legal counsel of his choosing
12 concerning this matter; and,

13 The Commissioner having made the following FINDINGS and CONCLUSIONS based upon the
14 foregoing and the books and records of the Division:

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

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

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

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

23 5. RESPONDENT violated NRS 645B.670(1)(c)(12), and NAC 645B.505(3)(d)(3).

24 NOW, THEREFORE, IT IS HEREBY ORDERED that:

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

27 2. RESPONDENT shall pay to the Division an ADMINISTRATIVE FINE in the amount of
28 \$1,500.00. The administrative fine shall be and is due upon RESPONDENT'S execution of the

1 attached Voluntary Consent and shall be tendered to the Division in accordance with the instructions
2 included in the enclosed invoice.

3 3. RESPONDENT shall pay to the Division INVESTIGATIVE COSTS in the amount of
4 \$2,610.00. The investigative costs shall be and are due upon RESPONDENT'S execution of the
5 attached Voluntary Consent and shall be tendered to the Division in accordance with the instructions
6 included in the enclosed invoice.

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

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

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

14 IT IS SO ORDERED.

15 DIVISION OF MORTGAGE LENDING

16
17 By 
18 CATHY SHEEHY, COMMISSIONER