

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:)	
)	Order No. <u>2018-009</u>
ROBERT C. WELCH III,)	
Mortgage Broker License No. UNL,)	Case No. 2018-009
)	
Respondent.)	
)	

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

Issued and Entered,
This 28th day of January, 2019,
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 Act; 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,

NRS 645B.900 prohibiting any person from offering or providing the services of a mortgage broker or mortgage agent, or otherwise from engaging in, carrying on, or holding himself or herself out

...

1 as engaging in or carrying on the business of a mortgage broker or mortgage agent without first obtaining
2 such license issued under the Statute unless the person is exempt; and,

3 The Division of Mortgage Lending (“the Division”) having received information indicating that
4 ROBERT C. WELCH III (“RESPONDENT”) is or was engaged in activity requiring licensure as a
5 mortgage broker under the Statute, namely by holding himself out as a private-money lender who is able
6 to originate and fund loans on residential property, and providing private-money loans to the two
7 individuals described in the Commissioner’s issued ORDER TO CEASE AND DESIST, ORDER
8 IMPOSING AN ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS, AND NOTICE OF
9 OPPORTUNITY FOR HEARING (“CEASE AND DESIST ORDER”) in this matter, as secured by liens
10 on each of the two respective residential properties; and,

11 Division staff having conducted and completed an investigation of RESPONDENT’s business
12 practices and activities pursuant to NRS 645B.060(2)(c), and, based upon the findings of that
13 investigation, determined that, in violation of NRS 645B.900, specifically in connection with the two
14 respective lending transactions described in the CEASE AND DESIST ORDER, RESPONDENT was
15 engaged in activity requiring licensure as a mortgage broker under the Statute without first having
16 obtained such licensure; and,

17 RESPONDENT having been served on or about September 14, 2018, in accordance with
18 NRS 233B.127(3), with the CEASE AND DESIST ORDER providing RESPONDENT with: (1) notice
19 of facts or conduct which warrant disciplinary action against RESPONDENT, and (2) notice of
20 opportunity for administrative hearing; and,

21 An informal conference having been conducted by the Division with RESPONDENT and his
22 attorney on November 29, 2018 concerning this matter; and,

23 RESPONDENT, having expressed his intent to comply with the Act and his desire to cooperate
24 with the Division, and to avoid the time and expense involved in a formal administrative enforcement
25 hearing; and,

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

28 . . .

1 1. RESPONDENT agrees to henceforth CEASE AND DESIST from any violations of the
2 Act, including as such pertains to the unlicensed practices and activities prohibited by the Act; and,

3 2. RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the amount
4 of \$35,000.00 to resolve claims of violations with respect to the two unlicensed lending matters identified
5 in the CEASE AND DESIST ORDER; and,

6 3. RESPONDENT agrees to pay to the Division its INVESTIGATIVE COSTS in the amount
7 of \$3,375.00 in accordance with NRS 622.400 to reimburse the Division for such costs associated with
8 the CEASE AND DESIST ORDER; and,

9 4. RESPONDENT understands and agrees that failure to strictly comply with each and every
10 provision of this Consent Order is a violation of the Act and is grounds for any further discipline
11 authorized under the Act; and,

12 5. RESPONDENT, having knowingly and voluntarily affixed his signature to the attached
13 VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S CONSENT ORDER REQUIRING
14 COMPLIANCE, IMPOSING AN ADMINISTRATIVE FINE, AND ASSESSING INVESTIGATIVE
15 COSTS ("VOLUNTARY CONSENT"), incorporated herein by this reference, has consented to the
16 issuance of this Consent Order with the intent to be legally bound hereby, and having waived and
17 relinquished any and all rights that RESPONDENT may now or hereafter have to be served with a notice
18 of charges and an administrative hearing in this matter or to judicial review of, or otherwise challenge or
19 contest, the entry of this Consent Order; and,

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

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

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

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

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

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

4 5. RESPONDENT violated NRS 645B.900.

5 NOW, THEREFORE, IT IS HEREBY ORDERED that:

6 1. RESPONDENT shall henceforth fully comply with the provisions of the Act and shall
7 CEASE AND DESIST from any and all violations of the Act.

8 2. RESPONDENT shall pay to the Division an ADMINISTRATIVE FINE in the amount of
9 \$35,000.00. The administrative fine shall be and is due to the Division no later than **January 15, 2019**
10 (as reflected in the attached invoice) and shall be accompanied by the signed and notarized
11 VOLUNTARY CONSENT as attached.

12 3. RESPONDENT shall pay to the Division its INVESTIGATIVE COSTS in the amount of
13 \$3,375.00. The investigative costs shall be and are due to the Division no later than **January 15, 2019**
14 (as reflected in the attached invoice) and shall be accompanied by the signed and notarized
15 VOLUNTARY CONSENT as attached.

16 4. Failure to abide with the foregoing terms as set forth in this Consent Order shall render
17 the terms of this Consent Order NULL AND VOID, thereby subjecting RESPONDENT to the
18 disciplinary measures described in the CEASE AND DESIST ORDER, of which RESPONDENT was
19 previously notified in this matter.

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

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

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