

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:)
MARLENA DETRIECE HOLLOWAY aka) Case No. 2020-001
MARLENA D. HOLLOWAY aka MARLENA D.)
OSBY aka MARLENA D. CARTER,)
Mortgage Loan Originator License No. 49241)
(expired, renewal denied), NMLS ID No. 822636,)
Respondent.)

CONSENT ORDER IMPOSING AN ADMINISTRATIVE FINE
AND ASSESSING INVESTIGATIVE COSTS

Issued and Entered,
This 20th day of November 2020,
By Cathy Sheehy,
Commissioner

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.* (“NRS 645B” or “the Statute”), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (“NAC 645B” or “the Regulation”) (collectively, “the Act”), governing the licensing and conduct of mortgage companies, mortgage loan originators (“MLO”), mortgage brokers, and mortgage agents in the state of Nevada; and,

The Commissioner is further granted general supervisory power and control and administrative enforcement authority over the licensures and licensees 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, renewal, or retention of a license as a mortgage agent under the provisions of NRS 645B.410 and NRS 645B.430; and,

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

3 NRS 645B.670(1)(c)(4) authorizes disciplinary action against mortgage loan originator for
4 knowingly making or causing to be made to the Commissioner any false representation of material fact or
5 suppressing or withholding from the Commissioner any information which the mortgage loan originator
6 possesses and which, if submitted, would have rendered the mortgage loan originator ineligible to be licensed
7 pursuant to the provisions of this chapter; and

8 The Nationwide Multistate Licensing System (NMLS), as instructed in both its website and policy
9 guidebooks, sets forth the requirements with which all applicants for initial licensure as a mortgage loan
10 originator, as well as those seeking to renew existing licensure, must comply in their efforts to obtain or
11 maintain such licensure. Regardless of what jurisdiction-specific requirements may be applicable for such
12 purposes, among the universal obligations mandated by the NMLS, is that the applicant or licensee provide
13 and keep current the individual's identifying and contact information, as well as update and correct any
14 answers as may have changed since the time of prior submissions, including those made in response to
15 specific NMLS disclosure questions related to finances concerning the applicant/licensee; and

16 The Division of Mortgage Lending ("the Division") having received information indicating that
17 MARLENA DETRIECE HOLLOWAY aka MARLENA D. HOLLOWAY aka MARLENA D. OSBY aka
18 MARLENA D. CARTER ("RESPONDENT"), violated NRS 645B.670(1)(c)(4) and the NMLS policy
19 requirements when she failed to disclose certain financial information at the time she renewed her license;
20 and

21 Division staff having conducted and completed an investigation of RESPONDENT'S renewal
22 process and updates thereto, and based upon the findings of that investigation, determined that, in violation
23 of NRS 645B.670(1)(c)(4), RESPONDENT failed to disclose certain financial information when she
24 renewed her license and failed to update her responses to certain financial questions at any time; and

25 The Division issued to RESPONDENT a Notice of Intent to Issue and Enter Final Order Revoking
26 License, Imposing Administrative Fines, and Requiring Payment of Investigative Costs and Notice of
27 Opportunity for Hearing ("NOTICE OF INTENT"); and

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

1 1. RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the amount
2 of \$12,000.00 to resolve the violations identified in the NOTICE OF INTENT with \$2,000 to be paid
3 initially, and \$10,000 to be held in abeyance for two years from that date of this Consent Order; and,

4 2. RESPONDENT agrees to pay to the Division its INVESTIGATIVE COSTS in the amount
5 of \$2,400 in accordance with NRS 645B.070 and NRS 622.400 to reimburse the Division for such costs
6 associated with the NOTICE OF INTENT; and,

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

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

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

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

22 The Commissioner has jurisdiction and authority to issue this Consent Order in this matter, pursuant
23 to the Nevada Administrative Procedures Act ("NAPA"), NRS 233B.010 et seq., and the Mortgage
24 Companies and Mortgage Loan Originators Act, NRS 645B.010, *et seq.*

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1 1. RESPONDENT agrees to pay to the Division an ADMINISTRATIVE FINE in the amount
2 of \$12,000.00 to resolve the violations identified in the NOTICE OF INTENT with \$2,000 to be paid on or
3 before **January 22, 2021**, and \$10,000 to be held in abeyance for two years from that date of this Consent
4 Order. If RESPONDENT is not found to be in violation of any provision of the Act as determined by the
5 Commissioner within two years from the date of this Consent Order, the \$10,000 fine shall be removed as a
6 condition of this Consent Order. However, if RESPONDENT is found to be in violation of the Act within
7 two years from the date of this Consent Order, RESPONDENT agrees that \$10,000 shall be immediately
8 due and payable to the Division for this matter and the Commissioner may impose additional discipline for
9 any new violations of the Act. RESPONDENT shall request a credit report through the NMLS at the time
10 for renewal of her license for the next two renewal periods; and,

11 2. RESPONDENT agrees to pay to the Division its INVESTIGATIVE COSTS in the amount
12 of \$2,400. The investigative costs shall be and are due to the Division on or before **January 22, 2021**.

13 3. RESPONDENT shall sign and have notarized the VOLUNTARY CONSENT attached hereto
14 no later than **November 20, 2020**.

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

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

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

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

26 IT IS SO ORDERED.

27 DIVISION OF MORTGAGE LENDING

28 By: 

CATHY SHEEHY, COMMISSIONER

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