

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:

Jahid Ali Nazarzai,

MLD License Number
64207,

Respondent.

Case No. 2021-011

**FINAL ORDER
REVOKING LICENSURE
AND
REQUIRING PAYMENT OF INVESTIGATIVE COSTS**

Issued and Entered,
This 18th day of April, 2022,
By Cathy Sheehy,
Commissioner

WHEREAS, 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 agents and/or mortgage loan originators and mortgage brokers and/or mortgage companies doing business in the State of Nevada; and,

WHEREAS, on March 14, 2022, the Commissioner issued to Jahid Ali Nazarzai (“RESPONDENT”), NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER REVOKING LICENSURE, REQUIRING PAYMENT OF INVESTIGATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING (the “Order”) attached hereto as Exhibit 1 and incorporated herein by this reference; and,

By:



CATHY SHEEHY,
COMMISSIONER

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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:

Jahid Ali Nazarzai, an individual.

MLD License Number:
64207

Respondent.

Case No. 2021-011

**NOTICE OF INTENT TO ENTER FINAL ORDER
REVOKING LICENSURE, REQUIRING
PAYMENT OF INVESTIGATIVE COSTS, AND
NOTICE OF OPPORTUNITY FOR HEARING**

Issued and Entered,
This 14th day of March, 2022,
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 and Chapter 645B of the Nevada Administrative Code (collectively, "the Act"), governing the licensing and conduct of mortgage agents and/or mortgage loan originators and mortgage brokers and/or mortgage companies doing business in the State of Nevada; and,

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

The Division of Mortgage Lending ("the Division") having received information indicating that RESPONDENT Jahid Ali Nazarzai ("RESPONDENT") engaged in the conduct specified below;

The Division having commenced an investigation of RESPONDENT'S conduct pursuant to NRS 645B.060, and having determined from that investigation that RESPONDENTS did engage in the conduct set forth below;

1 The Division staff having reported the results of its investigation to the Commissioner; and

2 The Commissioner having reviewed the results of the investigation, makes the following

3 **FINDINGS OF FACT and CONCLUSIONS OF LAW.**

4
5 **FINDINGS OF FACT**

6 1. Jahid Ali Nazarzai (“RESPONDENT”) was licensed by the Division as a mortgage loan
7 originator (“MLO”) under MLD License No. 64207, said license being issued on or around March
8 13, 2019.

9 2. On or around February 10, 2021, the Division received an email from the Nationwide
10 Multi-State Licensing System and Registry (“NMLS”) stating that RESPONDENT was the subject
11 of an investigation related to suspected violations of the NMLS Rules of Conduct (“ROC”) relating
12 to his taking continuing education courses, causing the Division to open an internal investigation.

13 3. RESPONDENT took continuing education classes on or around 10/12/2020, 10/13/2020,
14 and 10/15/2020.

15 4. On or around October 20, 2020, a senior analyst of educations operations received a report
16 of “suspicious relations’ involving four continuing education students, where the four students,
17 including RESPONDENT, were suspected of taking online continuing education courses on behalf
18 of each other.

19 5. The Investigative Review Committee (“IRC”) subsequently voted to pursue an
20 investigation of the students’ alleged cheating with respect to their taking their continuing
21 education classes on each other’s behalf.

22 6. On or around November 18, 2020, the State Regulatory Registry (“SRR”) notified
23 RESPONDENT of its investigation into the suspected activity related to his taking continuing
24 education classes and informed him that such activity violated four NMLS ROC.

25 7. RESPONDENT was given until December 1, 2020, to respond to the IRC regarding the
26 reported violations of the NMLS ROC but failed to do so.
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1 8. On January 6, 2021, the SRR completed its final investigative report, which identified that
2 RESPONDENT violated NMLS ROC 4,5, 6 and 9, which was substantiated by the IRC.

3 9. As a result, the IRC determined that the online continuing education courses taken by the
4 four individuals, including RESPONDENT, should be retracted from their NMLS accounts, and
5 that their accounts would be flagged to notify all relevant mortgage regulators of the violations.

6 10. On February 10, 2021, the SRR notified RESPONDENT of the IRC's determination
7 regarding its findings that he violated four NMLS ROC ("Violation") and was advised of his rights
8 to appeal the determination.

9 11. RESPONDENT did not appeal the determination of the IRC that he committed the
10 Violation.

11 12. Upon notification of the final determination of the SRR/IRC, RESPONDENT had 30 days
12 to disclose the Violation to the Division.

13 13. RESPONDENT failed to disclose the action to the Division, even though he made changes
14 to his NMLS record on May 12, 2021.

15 14. On June 1, 2021, the Division notified RESPONDENT by letter that it had receive a copy
16 of the Notice of Investigation, Notice of Determination, and the Final Investigative Report relating
17 to the Violation.

18 15. In its June 1st letter, the Division requested that RESPONDENT provide a written statement
19 to the Division regarding the Violation and any explanation or defense RESPONDENT desired to
20 present.

21 16. On or around June 9, 2021, RESPONDENT sent an email to the Division that read, "Hope
22 you are well my licensing team recommend that I surrender my NV license to avoid conflict with
23 more states."

24 17. The Division responded and asked RESPONDENT to confirm if he was providing a
25 statement regarding the Violation, and that if he wanted to provide a statement, he needed to submit
26 it without delay.
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1 18. The Division further informed RESPONDENT that if he chose to surrender his license,
2 that he needed to notify the Division's investigator directly.

3 19. On June 9, 2020, RESPONDENT sent a subsequent email to the Division stating, "I really
4 prefer to keep my license and not surrender it, this is just what my licensing team recommend I
5 do. My licensing team goal is to minimize conflict with multiple state on this, If I surrender and
6 not provide a defense statement wouldn't that cause more concern with my other licenses?"

7 20. RESPONDENT subsequently sent a written statement to the Division regarding the
8 Violation, stating that he and his friends all took the continuing education classes together using
9 the same pin, admitted that he violated the NMLS ROC, and stated that he re-took all of the
10 continuing education courses separately.

11 21. RESPONDENT further stated in his written statement to the Division that he could "only
12 ask for forgiveness," was willing to surrender his license for the error he made, and also stated, "I
13 have surrendered multiple licenses already due to this issue despite retaking all the CE courses so
14 that hopefully in the future I can be granted permission to perform mortgage related business in
15 the state of NV, Thank you for your consideration."

16 22. Pursuant to NRS 645B.670 (1)(c), except as otherwise provided in NRS 645B.690, for
17 each violation committed by a mortgage loan originator, the Commissioner may impose upon the
18 mortgage loan originator an administrative fine of not more than \$25,000, may suspend, revoke
19 or place conditions upon the mortgage loan originator's license, or may do both, if the mortgage
20 loan originator, whether or not acting as such, commits a violation of NRS 645B.670(1)(c)(1)-
21 (12).
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23

24 **CONCLUSIONS OF LAW**

25 23. RESPONDENT violated NRS 645B.670(1)(c)(4) by knowingly making or causing to
26 make to the Commissioner any false representation of material fact or by suppressing or
27 withholding from the Commissioner any information which the mortgage loan originator
28 possesses and which, if submitted by the mortgage loan originator, would have rendered the

1 mortgage loan originator ineligible to be licensed pursuant to the provisions of NRS 645B, by
2 failing to timely disclose the Violation, its investigation, and its outcome to the Division.

3 24. REPONDENT violated NRS 645B.670(1)(c)(8) by engaging in conduct constituting a
4 deceitful, fraudulent or dishonest business practice by cheating on his continuing education courses
5 and by failing to disclose the investigation into the same and its outcome to the Division.

6 25. RESPONDENT violated NAC 645B.505(3)(d)(5) by demonstrating a lack of character and
7 general fitness so as to lose the confidence of the community and warrant a determination that the
8 mortgage agent will not operate honestly, fairly and efficiently for the purposes of NRS Chapter
9 645B, by cheating on his continuing education courses and by failing to disclose the investigation
10 into the same and its outcome to the Division.
11

12 **ORDER**

13 The Commissioner having formed the opinion based upon the foregoing that RESPONDENT
14 engaged in the foregoing activity in violation of the Act and having concluded and determined that
15 RESPONDENT's license should be revoked;

16 NOW, THEREFORE, IT IS ORDERED that RESPONDENT's MLO license is hereby
17 revoked.

18 IT IS FURTHER ORDERED that RESPONDENT shall be and hereby is assessed the
19 Division's INVESTIGATIVE COSTS in the amount of \$ 600.00 in accordance with NRS 645B.070
20 The INVESTIGATIVE COSTS shall be due and payable on the 30th day following the effective date
21 of this Order and shall be tendered to the Division in accordance with the attached wire transfer
22 instructions.

23 IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter
24 only if RESPONDENT timely requests an administrative hearing in accordance with the instructions
25 set forth in the section of this Order below entitled Notice of Opportunity for an Administrative
26 Hearing. **If no administrative hearing is requested within 30 calendar days of the effective date**
27 **of this ORDER, RESPONDENT shall be deemed to have waived and relinquished the right to**
28 **an administrative hearing in this matter and a FINAL ORDER shall be issued in this matter.**

1 IT IS FURTHER ORDERED that this Order shall be and is effective and enforceable on the
2 date that it is issued and entered, as shown in the caption hereof.

3 IT IS FURTHER ORDERED that this Order shall remain effective and enforceable until
4 terminated, modified, set aside, or suspended in writing by the Commissioner.

5 IT IS FURTHER ORDERED that the Commissioner specifically retains jurisdiction over the
6 matters contained herein and has the authority to issue such further order(s) as the Commissioner shall
7 deem just, necessary, and appropriate to enforce the Act and protect the public.

8 **IT IS SO ORDERED.**

9 DIVISION OF MORTGAGE LENDING

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11 By: 
12 Cathy Sheehy, Commissioner

13 **NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING**

14 The following provisions of the Nevada Revised Statutes and Nevada Administrative Code are
15 relevant to the right to hearing in this matter:

16
17 **NRS 645B.750 Duty of Commissioner to provide written notice of disciplinary action or
18 denial of license; right to administrative hearing; entry of final order; appeals.**

19 1. If the Commissioner enters an order taking any disciplinary action against a person or
20 denying a person's application for a license, the Commissioner shall cause a written notice of
21 the order to be served personally or sent by certified mail or telegram to the person.

22 2. Unless a hearing has already been conducted concerning the matter, the person, upon
23 application, is entitled to a hearing. If the person does not make such an application within 20
24 days after the date of the initial order, the Commissioner shall enter a final order concerning
25 the matter.

26 3. A person may appeal a final order of the Commissioner in accordance with the provisions
27 of chapter 233B of NRS that apply to a contested case.
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1 **NRS 233B.121 Notice of hearing in contested case; contents of notice; representation**
2 **by counsel; opportunity to respond and present evidence and argument; fees and mileage**
3 **for witnesses; informal disposition; voluntary surrender of license in contested case**
4 **deemed disciplinary action; contents of record; transcriptions; findings of fact.**

5 1. In a contested case, all parties must be afforded an opportunity for hearing after
6 reasonable notice.

7 2. The notice must include:

8 (a) A statement of the time, place and nature of the hearing.

9 (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

10 (c) A reference to the particular sections of the statutes and regulations involved.

11 (d) A short and plain statement of the matters asserted. If the agency or other party is unable
12 to state the matters in detail at the time the notice is served, the initial notice may be limited
13 to a statement of the issues involved. Thereafter, upon application, a more definite and detailed
14 statement must be furnished.

15 3. Any party is entitled to be represented by counsel.

16 4. Opportunity must be afforded all parties to respond and present evidence and argument
17 on all issues involved. An agency may by regulation authorize the payment of fees and
18 reimbursement for mileage to witnesses in the same amounts and under the same conditions
19 as for witnesses in the courts of this state.

20 5. Unless precluded by law, informal disposition may be made of any contested case by
21 stipulation, agreed settlement, consent order or default. If an informal disposition is made, the
22 parties may waive the requirement for findings of fact and conclusions of law.

23 6. The voluntary surrender of a license in a contested case shall be deemed to constitute
24 disciplinary action against the licensee.

25 7. The record in a contested case must include:

26 (a) All pleadings, motions and intermediate rulings.
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1 (b) Evidence received or considered.

2 (c) A statement of matters officially noticed.

3 (d) Questions and offers of proof and objections, and rulings thereon.

4 (e) Proposed findings and exceptions.

5 (f) Any decision, opinion or report by the hearing officer presiding at the hearing.

6 8. Oral proceedings, or any part thereof, must be transcribed on request of any party. The
7 party making the request shall pay all the costs for the transcription.

8 9. Findings of fact must be based exclusively on a preponderance of the evidence and on
9 matters officially noticed.

10
11 **NRS 233B.032 "Contested case" defined.**

12 "Contested case" means a proceeding, including but not restricted to rate making and
13 licensing, in which the legal rights, duties or privileges of a party are required by law to be
14 determined by an agency after an opportunity for hearing, or in which an administrative
15 penalty may be imposed.

16
17 **If you wish to exercise your right to an opportunity for an administrative hearing, within**
18 **30 calendar days after receiving this Order, you must file a verified petition with the**
19 **Commissioner to request a hearing.**

20 The verified petition requesting a hearing must be delivered to:

21 Division of Mortgage Lending

22 Attn. Kelley Pacheco

23 3300 W. Sahara Avenue, Suite #285

24 Las Vegas, Nevada 89102

25 **If you fail to timely file a verified petition to request a hearing, your right to a hearing to**
26 **contest this matter will be deemed waived and relinquished and a Final Order will be issued.**