

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:

OMAR BLANCO-GOMEZ,  
Mortgage Loan Originator License No. 67133,  
NMLS ID No. 1957726,  
  
Respondent.

Case No. 2022-007

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

Issued and Entered,  
This 28 day of April, 2023,  
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 17, 2023, the Commissioner issued to Omar Blanco-Gomez (“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,



# **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:

OMAR BLANCO-GOMEZ,  
Mortgage Loan Originator License No. 67133,  
NMLS ID No. 1957726,

Respondent.

Case No. 2022-007

NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER  
REVOKING MORTGAGE AGENT LICENSE,  
IMPOSING ADMINISTRATIVE FINES, AND  
REQUIRING PAYMENT OF INVESTIGATIVE COSTS  
AND  
NOTICE OF OPPORTUNITY FOR HEARING

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 645" or "the Regulation") (collectively, "the Act"), governing the licensing and conduct of mortgage brokers and/or mortgage companies and mortgage agents and/or mortgage loan originators in the state of Nevada; and,

The Commissioner is further granted general supervisory power, control, and administrative enforcement authority over all mortgage brokers and/or mortgage companies and mortgage agents and/or mortgage loan originators doing business in the state of Nevada pursuant to the Act; and,

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

5 Pursuant to that statutory authority and responsibility vested in the Commissioner,  
6 and in accordance with provisions of NRS 645B and other applicable law, Notice is hereby  
7 provided to OMAR BLANCO-GOMEZ (hereinafter "RESPONDENT"), of facts or conduct  
8 which, if true, will result in the issuance of a final order against RESPONDENT revoking  
9 RESPONDENT's Nevada mortgage agent and/or mortgage loan originator license, imposing  
10 an administrative fine in the total amount of \$0.00 and requiring payment of investigative  
11 costs in the amount of \$300.00. **Notice is further provided to inform RESPONDENT**  
12 **that prior to the issuance and entry of a final order, RESPONDENT is entitled to**  
13 **an administrative hearing. If RESPONDENT desires an administrative hearing,**  
14 **RESPONDENT must timely file a written request for an administrative hearing in**  
15 **accordance with the instructions set forth in Section III of this Notice.**

16 I.

17 FACTUAL ALLEGATIONS

18  
19 1. On or about April 6, 2020, RESPONDENT made application for, and on or  
20 about May 22, 2020, was granted a Nevada mortgage loan originator (formerly known as a  
21 mortgage agent) license by the Commissioner (MLD License No. 67133, NMLS ID. No.  
22 1957726) pursuant to the Act.

23 2. Upon information and belief, from on or about May 22, 2020, to the present,  
24 RESPONDENT has been associated with or employed by Nevada-licensed mortgage  
25 company (formerly known as a mortgage broker or mortgage banker).  
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1           3.       RESPONDENT holds "Approved-Inactive" licenses in several other States. He  
2 surrendered his California, Idaho, and Washington licenses as part of Stipulation  
3 Agreement with those States.

4           4.       Until RESPONDENT's Nevada mortgage loan originator license was  
5 terminated or cancelled on or about February 25, 2021, at all times relevant to this  
6 matter, RESPONDENT had either applied for a mortgage loan originator license under  
7 the Statute or held a mortgage loan originator license under the Statute, and is therefore  
8 subject to the jurisdiction of the Commissioner.  
9

10          5.       A mortgage loan originator license issued under the Act expires annually on  
11 December 31<sup>st</sup>, unless properly renewed by the holder of the license in accordance with  
12 the requirements set forth in NRS 645B.430(1).  
13

14          6.       In addition to the conditions for licensure as provided in the Act, the NMLS,  
15 as instructed in both its website and policy guidebooks, sets forth the requirements with  
16 which all applicants for initial licensure as a mortgage company or mortgage loan  
17 originator, as well as those seeking to renew existing licensure as a mortgage company or  
18 mortgage loan originator, must comply in their efforts to *obtain* or *maintain* such  
19 licensure.<sup>1</sup> Regardless of what jurisdiction-specific requirements may be applicable for  
20 such purposes, among the universal obligations mandated by the NMLS, is that the  
21 applicant or licensee provide and keep current the individual's identifying and contact  
22 information, as well as update and correct any answers as may have changed since the  
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24  
25  
26 <sup>1</sup> See

27 <https://mortgage.nationwidelicensingsystem.org/licensees/resources/LicenseeResources/NMLS%20Guidebook%20for%20L>  
28 [icenseses.pdf](https://mortgage.nationwidelicensingsystem.org/licensees/resources/LicenseeResources/NMLS%20Guidebook%20for%20L)

1 time of prior submissions, including those made in response to specific NMLS disclosure  
2 questions related to finances and the existence of any judgments or liens which remain  
3 unsatisfied, *civil litigation/judgments*, or state or federal *regulatory/administrative*  
4 *agency orders or decisions* rendered against, or concerning the applicant/licensee. Indeed,  
5 upon submission of any information through the Registry, the NMLS requires that the  
6 applicant attest under penalty of perjury, that the information and statements contained  
7 therein, including any other information filed contemporaneously therewith, *are true,*  
8 *accurate, and complete*, and that the extent to which any information previously  
9 submitted is *not amended*, such information *remains accurate and complete*. Finally,  
10 when completing renewal of his or her own existing license, or as submitted on his or her  
11 behalf by that person's employer or sponsoring company, the renewing individual  
12 remains responsible for reviewing and confirming that all information contained in the  
13 person's online NMLS records are true and accurate when he or she performs the  
14 required *attestation* to the truth and accuracy thereof.  
15  
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17 7. At the time of initial licensure as a mortgage loan originator, and at all  
18 times thereafter, NRS 645B.430(1) requires the holder of an existing license to continue  
19 to satisfy the criteria of NRS 645B.410(3), which provides in pertinent part the following:  
20

21 Except as otherwise provided by law, the Commissioner shall  
22 issue a license as a mortgage loan originator to an applicant if:

- 23 (a) The application is verified by the Commissioner and  
24 complies with the applicable requirements of this chapter,  
25 other applicable law and, if applicable, the Registry; and  
26 (b) The applicant:

27 \* \* \*

- 28 (2) Has never had a license or registration as a mortgage  
agent . . . *revoked* in this State or any other  
jurisdiction . . . within the immediately preceding 10  
years;

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- (3) Has not made a *false statement of material fact* on his or her application;
- (4) Has not *violated any provision of this chapter, a regulation adopted pursuant thereto* or an order of the Commissioner; and
- (5) Has *demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.*

\* \* \*

[Emphasis added.]

8. The Statute further grants the Commissioner authority to impose an administrative fine or other discipline against an *applicant* for a license issued pursuant to the Act, for violation(s) of the Act, and/or against a *licensed mortgage loan originator*, who violates the Act. In pertinent part, NRS 645B.670(1)(a) specifically states that:

For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

- (1) Has knowingly made or caused to be made to the Commissioner any *false representation of material fact*;
- (2) Has *suppressed or withheld from the Commissioner* any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or
- (3) Has *violated any provision of this chapter, a regulation adopted pursuant to this chapter* or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

[Emphasis added.]



1           9.       NRS 645B.670(1)(c) specifically provides that for each violation committed  
2 by a [licensed] *mortgage loan originator*, the Commissioner may impose upon the  
3 mortgage loan originator an administrative fine of not more than \$25,000.00, may  
4 suspend, *revoke* or place conditions upon the mortgage loan originator's license, *or may do*  
5 *both*, if the mortgage loan originator, whether or not acting as such:  
6

7                                       \* \* \*

8                       (4) Has knowingly made or caused to be made to the  
9                       Commissioner any false representation of material fact or  
10                      has suppressed or withheld from the Commissioner any  
11                      information which the mortgage agent possesses and which,  
12                      if submitted by the mortgage agent, would have rendered the  
                            mortgage agent ineligible to be licensed pursuant to the  
                            provisions of this chapter;

13                                       \* \* \*

14                      (5) Has been convicted of, or entered or agreed to enter a plea of  
15                      guilty or *nolo contendere* to, a felony in a domestic, foreign or  
16                      military court within the 7 years immediately preceding the  
17                      date of the application, or at any time if such felony involved  
18                      an act of fraud, dishonesty or a breach of trust, moral  
                            turpitude or money laundering;

18                                       \* \* \*

19 [Emphasis added.]

20           10.       For the purposes of NRS 645B.670, NAC 645B.505(3)(d)(1) expresses that a  
21 mortgage agent commits a violation if the mortgage agent "is convicted of, or enters a plea  
22 of guilty or *nolo contendere* to, a felony in a domestic, foreign or military court."

24           11.       For the purposes of NRS 645B.670, NAC 645B.505(3)(d)(5) expresses that a  
25 mortgage agent commits a violation if the mortgage agent "demonstrates a lack of  
26 financial responsibility, character and general fitness so as to lose the confidence of the  
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1 community and warrant a determination that the mortgage agent will not operate  
2 honestly, fairly and efficiently for the purposes of chapter 645B of NRS.”

3 12. Pursuant to NRS 645B.740, the expiration or revocation of a license of a  
4 mortgage company or mortgage loan originator by operation of law or by order or decision  
5 of the Commissioner or a court of competent jurisdiction, or the voluntary surrender of a  
6 license, does *not*:

7  
8 (1) Prohibit the Commissioner from initiating or  
9 continuing an investigation of, or action or  
10 disciplinary proceeding against, the mortgage  
11 company or mortgage loan originator as authorized  
12 pursuant to the provisions of the Act; or

13 (2) Prevent the imposition or collection of any fine or  
14 penalty authorized pursuant to the provisions of the  
15 Act against the mortgage company or mortgage loan  
16 originator.

17 13. On or about February 23, 2021, the Division learned that RESPONDENT,  
18 had changed his answers to NMLS Form MU4 Criminal Disclosure Question, (F)(1) from  
19 “No” to “Yes.” The Criminal Disclosure Question (F)(1) asks the RESPONDENT:

20 “Have you ever been convicted of or pled guilty or nolo contendere  
21 (“no contest”) in a domestic, foreign, or military court to any  
22 felony?”

23 14. Based upon receipt of the foregoing information stated above, the Division  
24 commenced an investigation pursuant to NRS 64B.060(2)(c) concerning RESPONDENT’s  
25 conduct in relationship to his responsibilities under the Act. The Division examined  
26 RESPONDENT’s licensing history as reflected in his NMLS records, including those he  
27 submitted and attested to at the time of his request to *obtain* licensure as a Nevada  
28 mortgage loan originator, in April 2020 until granted licensure in May 2020.

15. The Division discovered that RESPONDENT amended his NMLS Form  
MU4 and changed his response to Criminal Disclosure Question (F)(1) as noted above.

1 His explanation for the change was because on or around August of 2020, he appeared in  
2 court for various charges. On October 9, 2020, RESPONDENT entered a plea of guilty to  
3 a Class 6 Non-Dangerous Undesignated Felony for theft in Arizona. He uploaded the  
4 above stated statement as a pdf file titled, "BLANCO-GOMEZ FELONY DOCS.pdf" to his  
5 NMLS account as part of his "explanation" for his "Yes" response.

6 16. RESPONDENT'S felony documents pdf that he uploaded included his  
7 Waiver of Preliminary Hearing with Plea Agreement which he signed on October 9, 2020;  
8 Final Release Order and Order Regarding Counsel dated September 4, 2020; and  
9 Uniform Conditions of Supervised dated October 28, 2020.

10 17. The Waiver of Preliminary Hearing with Plea Agreement lists  
11 RESPONDENT'S initial charges of the following: one felony count of a Class 2 felony of  
12 "Fraudulent Schemes and Artifices" and three felony counts of a Class 4 felony of "Taking  
13 the Identity of Another" that occurred on or about July 2018. RESPONDENT plead guilty  
14 to:

15 "Count 2 as amended: Theft (13-1802A), A Class 6 Non-  
16 Dangerous Undesignated Felony, in violation of A.R.S. §§ 13-  
17 105, 13-1801, 13-1802, 13-604, 13-610, 28-3304, 12-116.04, 12-  
18 116.09, 12-269, 13-701, 13-702, 13-703, 13-801 committed on  
July 27, 2018 through and including July 31, 2018."

19 18. The court paperwork uploaded by RESPONDENT states, "Pursuant to  
20 A.R.S. § 13-604(A), this offense shall be treated as a felony for all purposes until such  
21 time as the Court may actually enter an order designating the offense a misdemeanor. If  
22 this offense were designated a misdemeanor, Defendant could receive a maximum of 6  
23 months in jail and a maximum fine of \$2500 plus the statutory charge."

24 19. At the time of his plea, RESPONDENT was licensed as a Nevada mortgage  
25 loan originator (and held other State licenses as well). RESPONDENT had 30 days to  
26 disclose his felony plea on his NMLS Form MU4 under Criminal Disclosure Questions  
27 (F)(1). He failed to do so.

28

1           20. On November 1, 2020, when RESPONDENT submitted his renewal  
2 application for a Nevada mortgage loan originator license and attested to the truth,  
3 accuracy, and completeness thereof. RESPONDENT failed to provide honest, affirmative  
4 answers to certain NMLS disclosure questions which required that he divulge that he had  
5 a felony theft charge. Had RESPONDENT disclosed the felony conviction, he would have  
6 been found ineligible for licensure.

7           21. On March 8, 2021, the Idaho Department of Finance entered into a "Consent  
8 Order" with RESPONDENT allowing him to surrender his mortgage loan originator  
9 license in that State in light of his failure to disclose his felony conviction.

10           22. On March 31, 2021, RESPONDENT signed a "Stipulation to License  
11 Surrender" with the State of California as a result of his failure to timely disclose the  
12 Felony plea/conviction.

13           23. On or around November 1, 2021, RESPONDENT amended his NMLS Form  
14 MU4 and changed his response to Criminal Disclosure Question (F)(1) from "Yes" to No."  
15 His explanation for the change was, "No longer a felony; Felony is now a misdemeanor;  
16 Probation period has been complete and felony has been designated a misdemeanor."  
17 RESPONDENT also uploaded a PDF file titled, "Discharge Probation – Oct 25 2021 – 2-  
18 11 PM.pdf."

19           24. The discharge of probation paperwork submitted by RESPONDENT does  
20 make the felony charge as described above "be designated a misdemeanor" as of  
21 September 9, 2021.

22           25. RESPONDENT'S NMLS records shows that he was "Discharged" from his  
23 employment with Rocket Mortgage on February 23, 2021.

24           26. RESPONDENT has not disclosed his "Discharge" on his NMLS via his Form  
25 MU4, as required.

26           27. On or around February 25, 2021, RESPONDENT'S Nevada license status  
27 was changed from "Active" to "Approved-Inactive", which would have been a result of his  
28 sponsorship by Rocket Mortgage being cancelled due to his discharge from employment.



1 33. Notwithstanding any claim by RESPONDENT that the criminal case  
2 brought against him had been reduced from a felony to a misdemeanor, it nevertheless  
3 remains that based upon the *existence* of his criminal charge of felony theft, and the  
4 existence of the criminal plea agreement, at least with respect to the time that  
5 RESPONDENT swore or affirmed to the truth, accuracy, and completeness of his online  
6 records as of May 22, 2020 through February 22, 2021, RESPONDENT was required to  
7 have first answered "Yes" in reply to NMLS Form MU4 Criminal Disclosure Question  
8 (F)(1), providing detailed disclosure explanations in regard to each, and uploading copies  
9 of supporting documentation or dispositional materials concerning such matters. Having  
10 failed to so revise his previously provided answer, he accordingly adopted and falsely  
11 swore to the truth, accuracy, and completeness of such answer.

12 34. RESPONDENT's continued failure to submit truthful, accurate, and  
13 complete information in his NMLS records constitute the making of false statements,  
14 misrepresentations, or omissions of material fact concerning his application in violation of  
15 NRS 645B.670(1)(c)(4), thereby subjecting RESPONDENT to all administrative penalties  
16 available under the Act.

17 COUNT II

18 Failure by an Applicant, and Failure by a Mortgage Loan Originator,  
19 to Disclose Having Been Convicted of,  
20 or Entered or Agreed to Enter a Plea of Guilty to a Felony in a Domestic Court

21 35. The Division re-alleges and incorporates all foregoing facts and allegations  
22 as though fully set forth therein.

23 36. Based upon his 2020-related Attestation, as sworn to, and attested by  
24 RESPONDENT following his plea of guilty to the Arizona crime of Theft (13-1802A), A  
25 Class 6 Non-Dangerous Undesignated Felony and resulting criminal conviction on  
26 October 9, 2020, RESPONDENT was required to have updated his online NMLS records  
27 to provide an affirmative reply and corresponding explanation with an uploaded copy of  
28 the court's judgment/order.

1 37. At the time RESPONDENT submitted his renewal application through the  
2 NMLS on November 1, 2020, RESPONDENT should have updated, changed, or corrected  
3 his response to Criminal Disclosure Question (F)(1), from his existing "No" answer to  
4 affirmatively answer "Yes" and provide a detailed explanation of the event and uploading  
5 his supporting documentation, to thereby divulge that on October 9, 2020, as subject of  
6 Case No. CR2020-128485-001, he was convicted of, and pled guilty in a domestic (Arizona)  
7 criminal court to, the felony crime of Theft (13-1802A), A Class 6 Non-Dangerous  
8 Undesignated Felony.

9 38. RESPONDENT's failure to submit truthful, accurate, and complete  
10 information in his NMLS records by not disclosing the plea agreement when renewing his  
11 Nevada mortgage loan originator license is a violation of NRS 645B.670(1)(c)(4), thereby  
12 subjecting RESPONDENT to all administrative penalties available under the Act.

13 COUNT III

14 Violation by an Applicant, and by a Mortgage Agent,  
15 For Being Convicted of, or Entering a Plea of Guilty  
16 to a Felony in Domestic Court

17 39. The Division re-alleges and incorporates all foregoing facts and allegations  
18 as though fully set forth therein.

19 40. RESPONDENT entered his plea of guilty to the Arizona crime of Theft (13-  
20 1802A), A Class 6 Non-Dangerous Undesignated Felony and resulting in a criminal  
21 conviction on October 9, 2020.

22 41. When RESPONDENT entered a plea of guilty to a felony he was in a  
23 violation of NAC 645B.505(3)(d)(1), thereby subjecting RESPONDENT to all  
24 administrative penalties available under the Act.

25 COUNT IV

26 Failure by an Applicant, and Failure by a Mortgage Agent,  
27 to Command the Confidence of the Community and Warrant a Determination of  
28 Honest, Fair, and Efficient Dealings

42. The Division re-alleges and incorporates all foregoing facts and allegations  
as though fully set forth therein.

1           43.    At the time of *initial licensure* and at all times *thereafter*, a mortgage loan  
2 originator is required to conduct himself/herself and handle his/her business affairs in a  
3 manner that continuously demonstrates the character and general fitness so as to  
4 command the confidence of the community and warrant a determination that he/she will  
5 operate honestly, fairly, and efficiently under the Act. See NRS 645B.430(1) and NRS  
6 645B.410(3)(b)(5).

7           44.    For the purposes of NRS 645B.670, NAC 645B.505(3)(d)(5) provides that a  
8 mortgage agent commits a violation if the mortgage agent demonstrates a lack of  
9 financial responsibility, character, and general fitness so as to lose the confidence of the  
10 community and warrant a determination that the mortgage agent will not operate  
11 honestly, fairly, and efficiently for purposes of the Statute.

12           45.    RESPONDENT'S conduct as alleged in the foregoing, and as specifically set  
13 forth in Counts I through III, above, fails to meet the above-described required standards  
14 of a Nevada-licensed mortgage loan originator. Based not only upon the existence of the  
15 findings subject of the California and Idaho agreements to surrender his license as  
16 identified herein, RESPONDENT's repeated misrepresentations and/or omissions of  
17 material fact in connection with his *application* for Nevada licensure in 2020, as well as  
18 subsequent NMLS submissions and related attestations filed while in *active licensure*  
19 status in Nevada, demonstrates RESPONDENT's failures to conduct himself and handle  
20 his business and personal affairs in a manner that commands the confidence of the  
21 community and warrant the belief that he will operate honestly, fairly, and efficiently  
22 under the Act. Such conduct as an applicant for a Nevada mortgage loan originator  
23 license, pursuant to NRS 645B.410(3)(b)(5), as well as by a licensed mortgage agent,  
24 pursuant to NAC 645B.505(3)(d)(5), constitute violations of NRS 645B.410(3)(b)(5) and  
25 NAC 645B(3)(d)(5), thereby subjecting RESPONDENT to all administrative penalties  
26 available under the Act. As authorized by NRS 645B.670(1)(a)(3), NRS  
27 645B.670(1)(c)(12), and NAC 645B.505(3)(d)(5), based upon RESPONDENT's conduct as  
28 described herein, the Division specifically imposes upon RESPONDENT, an



1 administrative fine for RESPONDENT's failures to command the confidence of the  
2 community and warrant the belief that he will operate honestly, fairly, and efficiently  
3 under the Act.

4 II.

5 NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER  
6 REVOKING MORTGAGE AGENT LICENSE, IMPOSING ADMINISTRATIVE FINES  
7 AND  
8 REQUIRING PAYMENT OF INVESTIGATIVE COSTS

9 Based upon the factual allegations set forth in Section I, above, RESPONDENT is  
10 hereby given notice that it is the intent of the Commissioner to issue and enter a final  
11 order against RESPONDENT to impose as follows:

- 12 A. Revocation of RESPONDENT's mortgage loan originator license;  
13 B. No administrative fine against RESPONDENT for violations of the Act  
14 as described in Counts I, II, III, and IV above; and  
15 C. Investigative costs against RESPONDENT in the total amount of  
16 \$300.00.

17 Prior to the issuance and entry of a final order, RESPONDENT is entitled to an  
18 opportunity for administrative hearing to contest this matter if RESPONDENT timely  
19 makes written application for such hearing in accordance with the instructions set forth  
20 in Section III below.<sup>2</sup>

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25  
26 <sup>2</sup> Unless Respondent timely requests an administrative hearing, the amounts set forth herein as the intended fines,  
27 costs, and the other discipline set forth herein shall become the discipline *imposed* by the Commissioner against  
28 Respondent in a final order to be issued. Any negotiations or other discussions between the Division (directly or  
through its legal counsel) and Respondent regarding the matter shall *not* extend the time period in which  
Respondent must make the request to preserve the right to hearing.

1 III.

2 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

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

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

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

22 **NRS 233B.121 Notice of hearing in contested case; contents of  
23 notice; representation by counsel; opportunity to respond and  
24 present evidence and argument; fees and mileage for  
25 witnesses; informal disposition; voluntary surrender of license  
26 in contested case deemed disciplinary action; contents of  
27 record; transcriptions; findings of fact.**

- 28 1. In a contested case, all parties must be afforded an opportunity  
for hearing after reasonable notice.
2. The notice must include:
- (a) A statement of the time, place and nature of the hearing.
- (b) A statement of the legal authority and jurisdiction under  
which the hearing is to be held.

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

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

3. Any party is entitled to be represented by counsel.
4. Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved. An agency may by regulation authorize the payment of fees and reimbursement for mileage to witnesses in the same amounts and under the same conditions as for witnesses in the courts of this state.
5. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. If an informal disposition is made, the parties may waive the requirement for findings of fact and conclusions of law.
6. The voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee.
7. The record in a contested case must include:
  - (a) All pleadings, motions and intermediate rulings.
  - (b) Evidence received or considered.
  - (c) A statement of matters officially noticed.
  - (d) Questions and offers of proof and objections, and rulings thereon.
  - (e) Proposed findings and exceptions.
  - (f) Any decision, opinion or report by the hearing officer presiding at the hearing.
8. Oral proceedings, or any part thereof, must be transcribed on request of any party. The party making the request shall pay all the costs for the transcription.

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

3 **NRS 233B.032 "Contested case" defined.**

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

9 **If you wish to exercise your right to an opportunity for administrative  
10 hearing, within 20 calendar days after receiving this Notice, you must file a  
11 verified petition with the Commissioner to request a hearing. The verified  
12 petition must be delivered to:**

13 **Division of Mortgage Lending  
14 Attn. Jennifer Hill  
15 3300 West Sahara Avenue, Suite #285  
16 Las Vegas, Nevada 89102**

17 **If you fail to timely file a verified petition to request a hearing, your right  
18 to a hearing to contest this matter will be deemed waived and relinquished and  
19 a final order will be issued and entered in this matter.**

20 **DIVISION OF MORTGAGE LENDING**

21 **By:** 

22 **CATHY SHEEHY, COMMISSIONER**