

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:))
_____))
OVATION MORTGAGE CORPORATION,))
Mortgage Company License No. 4806,) Case No: 2023-006
NMLS ID No. 1749763.))
_____))
Respondent.))
_____)

AMENDED FINAL ORDER
IMPOSING ADMINISTRATIVE FINE

Issued and Entered,
This 29th day of March, 2024,
By Cathy Sheehy,
Commissioner

I.
BACKGROUND

WHEREAS, 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., and Chapter 645B of the Nevada Administrative Code, NAC 645B.010 et seq., (collectively, the "Act") governing the licensing and conduct of mortgage loan originators and mortgage companies in the State of Nevada; and,

WHEREAS, the Commissioner is granted general supervisory power and control and administrative enforcement authority over all mortgage loan originators and mortgage companies doing business in the State of Nevada pursuant to the Act; and,

WHEREAS, on or about, May 15, 2019, Ovation Mortgage Corporation ("Respondent") was granted a license as a mortgage broker, License No. 4806, pursuant to provisions of the Act; and,

1 WHEREAS, at all times relevant herein, Respondent was licensed by the Commissioner as a
2 mortgage broker and/or mortgage company; and,

3 WHEREAS, on or about May 10, 2023, the Commissioner served upon Respondent a Notice of
4 Opportunity to Show Compliance and Proposed Administrative Complaint (the "Notice"), attached
5 hereto as Exhibit A and incorporated herein by this reference; and,

6 WHEREAS, said Notice informed Respondent of alleged facts and conduct which, if true,
7 violated the Act and would result in the issuance and entry of a final order imposing an administrative
8 fine against Respondent. Namely, said Notice alleged that Respondent failed to timely file its monthly
9 activity reports for the months of November 2022, December 2022, and January 2023, in violation of
10 NRS 645B.080(2) and NRS 645B.670(1)(b)(3) and (9); and,

11 WHEREAS, on or about March 3, 2023, the Commissioner served upon Respondent a Letter of
12 Caution which included (1) notice of facts or conduct which warrant disciplinary action against
13 Respondent's license and (2) notice of its opportunity to put into place measures to ensure compliance
14 with the provisions of NRS 645B.080; and

15 WHEREAS, contrary to the Letter of Caution, Respondent failed to timely file its monthly
16 activity reports for the months of November 2022, December 2022, and January 2023, in violation of
17 NRS 645B.080(2) and NRS 645B.670(1)(b)(3) and (9); and,

18 WHEREAS, said Notice further advised Respondent of its opportunity for an administrative
19 hearing to contest the issuance and entry of a final order imposing an administrative fine against
20 Respondent; and,

21 WHEREAS, Respondent failed to timely exercise its right to an opportunity for an
22 administrative hearing and such right has been deemed waived and relinquished;

23 WHEREAS, Respondent's requested surrender/cancellation of their license on October 9, 2023.

24 WHEREAS, a Final Order was issued on November 1, 2023, to Respondent;

25 WHEREAS Respondent's daughter contacted the Division and submitted a Power of Attorney
26 to discuss the Administrative Fine of \$7,500.00 in the Final Order; and

27 WHEREAS, the Division agreed to have the Administrative Fine of \$7,500.00 be held in
28 abeyance for one year.

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II.
FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

WHEREAS, based upon the files and records of the Division of Mortgage Lending, the Commissioner FINDS and CONCLUDES that:

1. At all times relevant to the matters contained herein, Respondent was and is subject to the jurisdiction of the Commissioner.

2. NRS 645B.080(2) requires a licensed mortgage company to file a report with the Commissioner each month which provides the volume of loans arranged by the mortgage company in the immediately preceding month (hereinafter, the "monthly activity report").

3. Respondent failed to timely file its monthly activity report for the months of November 2022, December 2022, and January 2023.

4. NRS 645B.670(1)(b)(3) provides that it is a violation if a mortgage company does not conduct his or her business in accordance with law or had violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

5. NRS 645B.670(1)(b)(9) provides that it is a violation if a mortgage company has refused to permit an examination by the Commissioner or his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter.

6. NRS 645B.670(1)(b) provides that the Commissioner may impose an administrative fine of up to \$25,000.00 and other administrative discipline against a mortgage broker and/or mortgage company that violates the Act.

7. Respondent's failure to timely file its monthly activity report for the months of November 2022, December 2022, and January 2023 in accordance with the requirements of NRS 645B.080(2), is a violation of NRS 645B.670(1)(b)(3) and (9) and subjects Respondent to an administrative fine of up to \$25,000.00 for each violation and other administrative discipline.

1 8. The Respondent's requested surrender/cancellation of their license on October 9, 2023.

2 9. The Division agreed to have the Administrative Fine of \$7,500.00 be held in abeyance
3 for one year.

4 III.
5 ORDER

6 NOW, THEREFORE, based upon the factual findings and conclusions set forth above and the
7 books and records of the Division of Mortgage Lending, IT IS HEREBY ORDERED THAT:

8 1. An ADMINISTRATIVE FINE in the amount of \$7,500.00 shall be and hereby is
9 imposed upon Respondent. The ADMINISTRATIVE FINE will be held in abeyance for a period of
10 one year.

11 2. Respondent's license has been surrendered/cancelled.

12 3. This ORDER shall be and is effective and enforceable on the date it is issued, as shown
13 in the caption hereof.

14 4. This ORDER shall remain effective and enforceable until terminated, modified, set
15 aside, or suspended in writing by the Commissioner.

16 5. The Commissioner specifically retains jurisdiction of the matter(s) contained herein and
17 retains the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to
18 enforce NRS 645B and protect the public.

19 IT IS SO ORDERED.

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21 DIVISION OF MORTGAGE LENDING

22 BY: 
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