



1 The Commissioner having been granted general supervisory power and control over all  
2 mortgage agents and mortgage brokers doing business in the State of Nevada pursuant to the Act; and,

3 PINNACLE LENDING GROUP, INC. ("PINNACLE"), having made application for and been  
4 granted a license by the Commissioner as a mortgage broker, License No. 2306, pursuant to the  
5 provisions of NRS 645B, on March 8, 2006, to engage in the activity of a mortgage broker from its  
6 office located at 5439 S. Durango Drive, Suite 200, Las Vegas, Nevada; and,

7 PINNACLE'S sole officer, sole shareholder, and qualified employee, ROBERT ALLAN RINK,  
8 JR., ("RINK"), having made application for and been granted a license by the Commissioner as a  
9 mortgage agent, License No. 22339, pursuant to the provisions of NRS 645B on December 23, 2003;  
10 and,

11 At all times relevant to this matter, PINNACLE and RINK (collectively the "RESPONDENTS")  
12 having been licensed with the Division of Mortgage Lending ("Division") pursuant to NRS 645B and,  
13 therefore, subject to the jurisdiction of the Commissioner; and,

14 On or about June 17, 2013, the Division, having received a complaint against PINNACLE  
15 alleging violations of the Act, and Division Staff commenced an investigation; and,

16 The Division Staff having, thereafter, from that investigation determined that RESPONDENTS  
17 had engaged in conduct and activity that violates the Act. Specifically, the investigation revealed the  
18 following:

19 1. The RESPONDENTS utilized a separate business entity, RAR LIMITED, LLC  
20 ("RAR"), to provide to REpondents what RESPONDENTS initially described as "marketing  
21 services." RAR is a domestic limited liability company formed by RINK in 1994;

22 2. RESPONDENT'S business entity RAR transitioned from an entity providing marketing  
23 services into a loan processing company unlawfully employing independent-contractor loan processors  
24 without the requisite mortgage agent license under the Act;

25 3. RESPONDENTS provided contradictory explanations concerning the employment  
26 relationships between, PLG and unlicensed entity RAR; and

27 4. RESPONDENTS unlawfully utilized unlicensed entity RAR as the source of  
28 compensation paid to individuals hired as loan assistants, paid as Form-1099 independent contractors,

1 and only after commencement of the Division's investigation discontinuing its "relationship" with  
2 RAR, and re-defining such persons as "loan processors" deemed as "employees" whose wages would  
3 be paid as reflected on W-2 forms; and

4 That based upon the foregoing, the Division thereby concluding that PLG committed violations  
5 of NRS 645B.670(1)(b)(2); NRS 645B.670(1)(b)(3); NRS 645B.670(1)(b)(7); NRS  
6 645B.670(1)(b)(15); NRS 645B.670(1)(b)(22)(I); NRS 645B.400; NRS 645B.900; and NAC  
7 645B.300(3)(b); and that RINK committed violations of NRS 645B.670(1)(c)(1); NRS  
8 645B.670(1)(c)(4); NRS 645B.670(1)(c)(8); NRS 645B.400; NRS 645B.900; and NAC  
9 645B.300(3)(b).

10 On or about December 16, 2014, in accordance with NRS 233B.127(3), RESPONDENTS were  
11 served with a Notice of Opportunity to Show Compliance and Proposed Administrative Complaint  
12 which included: (1) notice of facts or conduct which, if true, warrant formal disciplinary action against  
13 RESPONDENT'S mortgage broker license, including revocation of such license, and (2) notice of  
14 RESPONDENT'S opportunity to show compliance with all lawful requirements for the retention of  
15 their mortgage broker's license.

16 RESPONDENT'S availed themselves of their opportunity to show compliance at an information  
17 conference held at the Division's office On February 5, 2015. RESPONDENTS acknowledged the  
18 violations, but represented corrective measures have been implemented.

19 That RESPONDENTS and the Division conferred concerning this matter and determined to  
20 resolve this matter this pursuant to the following terms:

21 1. RESPONDENTS agree to CEASE AND DESIST from any and all violations of  
22 NRS/NAC Chapters 645B;

23 2. RESPONDENTS agree to pay to the Division an ADMINISTRATIVE FINE in the  
24 amount of \$50,000.00. The Administrative Fine shall be paid as follows:

25 a. Upon RESPONDENTS' execution of the attached Voluntary Consent to Entry of  
26 Consent Order, RESPONDENTS shall pay to the Division half of the ADMINISTRATIVE FINE, in the  
27 amount of \$25,000.00, in accordance with the enclosed wiring instructions.

1           b. The collection of the remaining ADMINISTRATIVE FINE, in the amount of  
2 \$25,000.00, will be deferred for period of one year beginning with RESPONDENTS execution of the  
3 attached Voluntary Consent to Entry of Consent Order (the “deferment period”). If, during the  
4 deferment period, RESPONDENTS fully comply with all terms of this Order, the remaining  
5 ADMINISTRATIVE FINE, in the amount of \$25,000, will be waived and rescinded.

6           3. RESPONDENTS agree to pay to the Division the Division’s ADMINISTRATIVE  
7 COSTS in the total amount of \$4,908.00;

8           4. RESPONDENTS and the Division agree that other than as may be required to enforce  
9 the provisions of this Order, or in the event RESPONDENTS are charged by the Division with  
10 subsequent violations of NRS 645B, neither this Order, nor any provision contained herein, shall be  
11 admissible in any subsequent administrative or legal proceeding between the parties hereto; and,

12           RESPONDENTS having knowingly and voluntarily affixed the signature of RINK to the  
13 attached VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER, incorporated herein by this  
14 reference, have consented to the issuance of this CONSENT ORDER TO CEASE AND DESIST  
15 VIOLATING NRS/NAC 645B AND TO PAY ADMINISTRATIVE FINE AND COSTS (the “Order”)  
16 with the intent to be legally bound hereby, and has waived and relinquished any and all rights that  
17 RESPONDENTS may now or hereafter have to be served with a notice of charges and an administrative  
18 hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry of this Order;  
19 and,

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

22           The Commissioner having determined that the terms of this ORDER are a reasonable resolution  
23 of this matter and in the public interest:

24           NOW, THEREFORE, IT IS HEREBY ORDERED that:

25           1. RESPONDENTS shall CEASE AND DESIST from any and all violations of NRS/NAC  
26 Chapters 645B Act and Regulation.

27           2. RESPONDENTS agree to pay to the Division an ADMINISTRATIVE FINE in the total  
28 amount of \$50,000.00. The Administrative Fine shall be paid as follows:

1 a. Upon RESPONDENTS' execution of the attached Voluntary Consent to Entry of  
2 Consent Order, RESPONDENTS shall pay to the Division half of the ADMINISTRATIVE FINE, in the  
3 amount of \$25,000.00, in accordance with the enclosed wiring instructions.

4 b. The collection of the remaining ADMINISTRATIVE FINE, in the amount of  
5 \$25,000.00, will be deferred for period of one year beginning with RESPONDENTS execution of the  
6 attached Voluntary Consent (the "deferral period"). If, during the deferral period,  
7 RESPONDENTS fully comply with all terms of this Order, the remaining ADMINISTRATIVE FINE,  
8 in the amount of \$25,000, will be waived and rescinded.

9 3. RESPONDENTS agree to pay to the Division, upon the entry of this order, the  
10 Division's ADMINISTRATIVE COSTS in the total amount of \$4,908.00. The ADMINISTRATIVE  
11 COSTS shall be and are due upon RINK'S execution of the attached Voluntary Consent to Entry of  
12 Consent Order and shall be tendered to the Division with the ADMINISTRATIVE FINE described  
13 above in accordance with the attached wire transfer instructions.

14 4. This Order shall be and is effective and enforceable on the date that it is issued, as shown  
15 in the caption hereof.

16 5. This Order shall remain effective and enforceable until terminated, modified, set aside,  
17 or suspended in writing by the Commissioner.

18 6. The Commissioner specifically retains jurisdiction over the matters contained herein and  
19 has the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to  
20 enforce the provisions of NRS 645B.010 *et seq.* and NAC 645B.001 *et seq.* and protect the public.

21 IT IS SO ORDERED.

22  
23 DIVISION OF MORTGAGE LENDING

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26 By:   
JAMES WESTRIN, COMMISSIONER  
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