1	BEFORE THE DEPARTMENT	F OF BUSINESS & INDUSTRY	
2	LAS VEGAS, NEVADA		
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4	IN THE MATTER OF:	2	
5	DIVISION OF MORTGAGE LENDING,		
6		MLD Case No. 2018	
7	Claimant,)) <u>FINDINGS OF FACT, CON</u>	
8	vs.	OF LAW, AND ORE	
9	JOEL MOLINA, Mortgage Agent License No. 47195,		
10	NMLS ID No. 367081,)	
11	Respondent.		

MLD Case No. 2018-007

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On November 22, 2019, a hearing was held between Claimant, the Nevada Department of Business and Industry, Division of Mortgage Lending and Respondent, Joel Molina before Gary J. Mathews, Esq., serving in his capacity as Administrative Law Judge appointed pursuant to Chapter 645B of the Nevada Revised Statutes ("NRS"). Joel Molina was present and represented himself.

Appearing on behalf of the Division of Mortgage Lending were Dennis Belcourt, Esq., Deputy Attorney General, and Diana Martinez, Compliance Audit Investigator.

After hearing the allegations and the respective arguments of counsel, and having considered all the evidence introduced and admitted by both parties, the undersigned Administrative Law Judge finds and concludes as follows:

I. PROCEDURAL HISTORY

On August 15, 2018, the Division of Mortgage Lending ("the Division") issued the Respondent Joel Molina ("Molina") a Notice of Intent to Issue and Enter Final Order Imposing Administrative Fine and Requiring Payment of Investigative Costs and Notice of Opportunity for

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Hearing ("Final Order") for providing incomplete and misleading information to the Division as to the status and business activities Molina was involved in pursuant to NRS chapter 645B and chapter 645B of the Nevada Administrative Code ("NAC"). The Division's Final Order asserts violations of NRS 645B.670; NAC 645B.505(3)(d)(3); NAC 645B.505(3)(d)(4); and NAC 645B.505(3)(D)(5).

On December 13, 2018, the Division requested the appointment of a hearing officer. On January 30, 2019, a pre-hearing conference was held. The pre-hearing conference was continued until February 25, 2019. The hearing took place on November 22, 2019. The Division's documentary exhibit 1, pages MLD 00001 - MLD 00154 were admitted into evidence through stipulation by both parties.

II. FINDINGS OF FACT

There is substantial evidence in the record, which contains the legal evidence presented at the hearing, to establish each of the facts hereinafter set forth in these Findings of Fact:

1. Molina has held a Nevada mortgage agent license pursuant to NRS chapter 645B 16 since March 18, 2010. 17

18 2. On or about December 19, 2017, the Division received a complaint from Eli 19 Loloya-Vazquez ("Complainant") in which Molina as officer and manager of the Fortaleza 20 Management Group, LLC ("FMG") was accepting funds for the acquisition, restoration, and the subsequent "flipping" of three separate properties in the Las Vegas, area.¹ 22

3. FMG is an active domestic limited-liability company established in March of 2016 23 in which Molina is the registered agent. 24

25 4. Molina's signature appears on each one of the Complainant's executed 26 Management Agreements ("Contracts") as being the sole representative for FMG.²

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¹ State's Exhibit 1 pp. MLD00096-MLD00099.

State's Exhibit 1 pp. MLD00104, MLD00110, MLD00118.

On December 22, 2017, the Division sent a letter to: 9136 Wine Cellar Ave., Las
Vegas, NV 89148; the address Molina listed on the Nationwide Multistate Licensing System &
Registry ("NMLS").³

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6. NMLS is a nationwide registration and licensing service in which all licensed mortgage agents are mandated to provide pertinent information such as a home and mailing address, employment history, and the name and address of any business(es) which the agent is involved whether or not it is related to a financial service.

7. NMLS also requires each licensed agent to attest under the penalty of perjury, that the information and declarations contained in the record are true, accurate, and complete.

8. The Division's letter set forth the allegations filed against Molina and required Molina's written response by January 5, 2018.⁴

9. Never receiving a response, the Division sent Molina a second letter on January 9, 2018. ⁵

10. On January 22, 2018, the Division received a call from Molina who acknowledged
receiving the Division's letter and that his correct mailing address is: 2451 S. Buffalo Dr., #145.
11. The Division allowed Molina additional time to respond to the complaint and
advised him to update his information on the NMLS. ⁶

12. Diana Martinez testified that both Molina's mailing and physical address along
with his employment history information were incorrect on the NMLS.⁷

13. The Division's investigation also revealed that Molina is a licensed agent with the
Nevada Division of Insurance permitting him to sell health and life insurance. As a licensed agent

27 ³ State's Exhibit 1 p. MLD00131. ⁴ State's Exhibit 1 pp. MLD00131-MLD00132. ⁵ State's Exhibit 1 p. MLD00133. ⁶ State's Exhibit 1 p. MLD00138. ⁷ State's Exhibit 1 p. MLD00003, MLD00004, MLD00005. 3

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1	Molina is cu	arrently affiliated with four (4) separate insurance companies.
2	14.	Notably, neither Molina's relationship with the Department of Insurance or his
3	employment	t information have ever been disclosed on the NMLS. ⁸
4	15.	On December 27, 2017, Molina submitted to the Division through the NMLS, a
6	license-renewal attestation in support of a license renewal application for his mortgage agent	
7	license.	
8	16.	Molina attested and affirmed to the truth and accuracy of the information
9	contained in	his NMLS record even though the information was incorrect. 9
10	17.	On February 13, 2018, the Division received Molina's response to the complaint
11	in which he	denied conducting inappropriate mortgage lending practices with the Complainant.
12	18.	The Division again advised Molina to update his contact, mailing, and business
14	information	on the NMLS.
15	19.	Molina testified that his company JAS is a separate entity in which he routinely
16	uses to buy a	and sell property. ¹⁰
17	20.	Notably, Molina has never disclosed information about JAS to the Division or on
18	the NMLS.	
19 20	21.	Molina testified that due to personal reasons he is unable to maintain his records
21	on the NML	S.
22	22.	Any finding of fact more appropriately considered a conclusion of law, and vice
23	versa, shall l	be so deemed.
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28	⁹ State's I	Exhibit 1 p. MLD00148. Exhibit 1 pp. MLD00002-MLD00033. Exhibit 1 p. MLD00136. 4

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1	III. CONCLUSIONS OF LAW	
2	A. <u>Violation of NAC 645B.505(3)(d)(3)</u>	
3	1. The Nevada Division of Mortgage Lending charges Molina with violating NAC	
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5	645B.505(3)(d)(3), which sets forth the rules and regulations for referring certain alleged	
6	violations for investigation.	
۲	Specifically, NAC 645B.505(3)(d)(3) provides:	
8	NAC 645B.505(3)(d)(3) Referral of certain suspected violations for investigation and action; grounds for disciplinary action.	
9	(NRS 645B.060, 645B.670, 645F.292, 645F.293).	
10	3. For the purposes of NRS 645B.670, a mortgage agent commits a violation if the mortgage agent:	
11	(d) Does any of the following:(3) Makes a false statement of material fact to the division.	
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13	and misicaling sultiments of	
14	material fact to the Division.	
15	3. Molina knew his obligation as a licensed mortgage agent was to provide complete	
16	and accurate information to the Division. One of the requirements for providing that information	
17	is to update the NMLS whenever necessary.	
18 19	4. Molina failed on several occasions to provide critical information regarding his	
20	employers, businesses, and addresses on the NMLS.	
21	5. Additionally, Molina attested to the false and misleading information he provided	
22	on the NMLS.	
23	6. Such false and misleading information can be construed as a willful intent to	
24	mislead the Division.	
25	7. Molina was advised and given the opportunity to update his NMLS information	
26	on several occasions but repeatedly failed to do so.	
27	8. Molina's personal reasons for failing to maintain his NMLS records are irrelevant.	
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1	9. Therefore, pursuant to NAC 645B.505(3)(d)(3), Molina shall pay an		
2	administrative fine of \$5,000.00 for his violation. Molina shall pay this amount in full within		
3	ninety (90) days from the date of this order.		
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5	B. <u>Violation of NAC 645B.505(3)(d)(4)</u>		
6	1. The Nevada Division of Mortgage Lending charges Molina with violating NAC		
7	645B.505(3)(d)(4), which sets forth the rules and regulations for referring certain alleged		
8	violations for investigation.		
9	Specifically, NAC 645B.505(3)(d)(4) provides:		
10	NAC 645B.505(3)(d)(4) Referral of certain suspected violations		
11	for investigation and action; grounds for disciplinary action. (NRS 645B.060, 645B.670, 645F.292, 645F.293).		
12	3. For the purposes of NRS 645B.670, a mortgage agent commits a		
13	violation if the mortgage agent: (d) Does any of the following:		
14	(4) Violates any provision of this chapter or chapter 645E of NRS, a regulation adapted pursuant thereto or an order of the commissioner.		
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17	a current electronic mail address to the Division via the NMLS.		
18	Specifically, NAC 645B.0115 provides:		
19	NAC 645B.0115 Change of electronic mail address or contact information. (NRS 645B.060, 645F.292, 645F.293) If an applicant		
20	for the issuance or renewal of a license or a person licensed pursuant		
21	to chapter 645B of NRS wishes to change his or her electronic mail address or contact information, the applicant or person shall make the		
22	change and: 1. If the applicant or person is registered with the Registry, notify		
23	the Division through the Registry; or 2. If the applicant or person is not registered with the Registry,		
24	provide written notice directly to the Division.		
25	3. As a licensed mortgage agent Molina is bound by the rules and regulations		
26	pursuant to NRS chapter 645B and NAC chapter 645B.		
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4. One of the requirements, which is mandated by statute, requires every licensed mortgage agent to maintain their current contact and business information for which they are involved with on the NMLS.

5. Upon receiving a citizen's complaint, the Division attempted to contact Molina citing the address he listed on the NMLS.

6. Receiving no response, the Division learned that Molina's information listed on the NMLS was incorrect.

7. The Division instructed Molina on several occasions to maintain his current mailing, residential, and business address information on the NMLS. Molina knowingly and intentionally failed to comply with the Division's requests and submit his necessary updated information to the Division and on the NMLS.

8. Therefore, pursuant to NAC 645B.505(3)(d)(4), Molina shall pay an administrative fine of \$5,000.00 for his violation. Molina shall pay this amount in full within ninety (90) days from the date of this order.

C. Violation of NAC 645B.505(3)(d)(5)

The Nevada Division of Mortgage Lending charges Molina with violating NAC
645B.505(3)(d)(5), which sets forth the rules and regulations for referring certain alleged
violations for investigation.

Specifically, NAC 645B.505(3)(d)(5) provides:

NAC 645B.505(3)(d)(5) Referral of certain suspected violations for investigation and action; grounds for disciplinary action. (NRS 645B.060, 645B.670, 645F.292, 645F.293).

3. For the purposes of NRS 645B.670, a mortgage agent commits a violation if the mortgage agent:

(d) Does any of the following:

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(5) Demonstrates a lack of financial responsibility, character and general fitness so as to lose the confidence of the community and warrant a determination that the mortgage agent will not operate honestly, fairly and efficiently for the purposes of chapter 645B of the NRS.

4 confidence of the community and provide the determination that Molina will operate honestly, 5 fairly and efficiently under the laws and regulations set forth in chapter 645B of the NRS. 6 3. Therefore, pursuant to NAC 645B.505(3)(d)(5), Molina shall pay an 7 administrative fine of \$5,000.00 for his violation. Molina shall pay this amount in full within 8 9 ninety (90) days from the date of this order. 10 ORDER 11 12 Conclusions of Law: 13 14 15 16 of this Order. 17 18 19 Dated this 16th day of December 2019. 20 21 Gary J. Mathews, Esq. 22 Administrative Law Judge 23 24 Las Vegas, Nevada 89102 Telephone: 702-486-7041 25 gmathews@business.nv.gov 26 27 28 8

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IT IS THEREFORE ORDERED, based upon the foregoing Findings of Fact and

As provided in Violations A and B above, Molina's disingenuous assertions,

falsifications, and deletions of material fact establishes his inability to represent himself and

conduct business as a licensed mortgage agent in a method which would command the

Pursuant to NRS 645B.670(1)(c)(12), Molina shall pay a total administrative fine of \$15,000.00 for the violations of NAC 645B.505(3)(d)(3), NAC 645B.505(3)(d)(4), and NAC 645B.505(3)(d)(5), Molina shall pay this amount in full within ninety (90) days from the date

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