

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

3 The Division of Mortgage Lending (“the Division”) having received information indicating that
4 PAO LAN JARJABKA, (“JARJABKA”), GREGORY RONALD THOMPSON, (“THOMPSON”), and
5 by and through PAO LAN JARJABKA REVOCABLE LIVING TRUST dated December 23, 2005
6 (“JARJABKA LIVING TRUST”), (hereinafter “RESPONDENTS”), are or were engaged in activity
7 requiring licensure as a mortgage loan originator or mortgage company under the Statute; and,

8 The Division having commenced an investigation of RESPONDENTS’ business practices,
9 pursuant to NRS 645B.060(2)(c) and having determined, from that investigation, that RESPONDENTS
10 were engaged in activity requiring licensure as a mortgage loan originator or mortgage company under
11 the Statute; and,

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

13 The Commissioner having reviewed the results of the investigation, makes the following
14 FINDINGS OF FACT and CONCLUSIONS OF LAW:

15 **FINDINGS OF FACT**

16 The Commissioner finds that there is sufficient factual basis and legal authority to warrant this
17 Order as follows:

18 1. NRS 645B.900 prohibits any person from offering or providing any of the services of a
19 mortgage company or mortgage loan originator or otherwise engaging in, carrying on or holding himself
20 or herself out as engaging in or carrying on the business of a mortgage company or mortgage loan
21 originator without first obtaining the applicable license issued pursuant to this chapter, unless the person
22 is properly exempt from licensure.

23 2. NRS 645B.015 outlines certain exemptions, and states:

24 Except as otherwise provided in NRS 645B.016, the Secure and Fair
25 Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et
26 seq., and any regulations adopted pursuant thereto and other applicable law,
27 the provisions of this chapter do not apply to:

28 1. Any person doing business under the laws of this State, any other
state or the United States relating to banks, savings banks, trust companies,
savings and loan associations, industrial loan companies, credit unions,
thrift companies or insurance companies, including, without limitation, a

1 subsidiary or a holding company of such a bank, company, association or
2 union.

3 2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless
4 the business conducted in this State is not subject to supervision by the
5 regulatory authority of the other jurisdiction, in which case licensing
6 pursuant to this chapter is required.

7 3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the
8 loan is made directly from money in the plan by the plan's trustee.

9 4. An attorney at law rendering services in the performance of his or
10 her duties as an attorney at law.

11 5. A real estate broker rendering services in the performance of his or
12 her duties as a real estate broker.

13 6. Any person doing any act under an order of any court.

14 7. Any one natural person, or married couple, who provides money
15 for investment in commercial loans secured by a lien on real property, on
16 his or her own account, unless such a person makes a loan secured by a lien
17 on real property using his or her own money and assigns all or a part of his
18 or her interest in the loan to another person, other than his or her spouse or
19 child, within 3 years after the date on which the loan is made or the deed of
20 trust is recorded, whichever occurs later.

21 8. A natural person who only offers or negotiates terms of a residential
22 mortgage loan:

23 (a) With or on behalf of an immediate family member of the person;

24 (b) Secured by a dwelling that served as the person's residence; or

25 (c) If:

26 (1) The residential mortgage loan is for a manufactured home, as
27 defined in NRS 118B.015;

28 (2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this
State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political
subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage
of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided
part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with
the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of
0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their
services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the
Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States
Department of Housing and Urban Development.

13. Except as otherwise required by the Director of the Department of
Business and Industry pursuant to NRS 657A.430 or 657A.620, a

1 participant in the Regulatory Experimentation Program for Product
2 Innovation established and administered pursuant to chapter 657A of NRS.

3 3. NRS 645B.0125(1) defines ‘mortgage loan originator’ as:

4 (a) A natural person who:

5 (1) Is an employee of a mortgage company who is required to be
6 licensed pursuant to this chapter; and

7 (2) Is authorized by the mortgage company to engage in, on behalf
8 of the mortgage company, any activity that would require the person, if the
9 person were not an employee of the mortgage company, to be licensed as a
10 mortgage company pursuant to this chapter;

11 (b) A mortgage company or qualified employee who is required by
12 NRS 645B.405 to be licensed as a mortgage loan originator; or

13 (c) A loan processor who is an independent contractor and who is
14 associated with a mortgage company or person who holds a certificate of
15 exemption pursuant to NRS 645B.016.

16 2. The term includes, but is not limited to, a residential mortgage loan
17 originator.

18 3. The term does not include a person who:

19 (a) Except as otherwise provided in paragraph (b) of subsection 1, is
20 licensed as a mortgage company;

21 (b) Is an owner, general partner, officer or director of a mortgage
22 company who does not engage in any activity that would otherwise require
23 a license as a mortgage company;

24 (c) Except as otherwise provided in paragraph (c) of subsection 1,
25 performs only clerical or ministerial tasks for a mortgage company; or

26 (d) Collects payments and performs related services, including, without
27 limitation, the modification of an existing loan, in connection with a loan
28 secured by a lien on real property and who does not undertake any other
activity that would otherwise require a license pursuant to this chapter or
chapter 645F of NRS.

4. Unless a person is exempt from the provisions of the Statute, pursuant to
NRS 645F.500, and has complied with the requirements for that exemption,
NRS 645F.510 prohibits any person from engaging in the business of a
mortgage servicer or holding himself or herself out as a mortgage servicer
in this State without a license issued pursuant to this chapter.

5. NRS 645B.0127(1) defines “mortgage company” as:

1. “Mortgage company” means a person who, directly or indirectly:

(a) Holds himself or herself out for hire to serve as an agent for any
person in an attempt to obtain a loan which will be secured by a lien on real
property;

(b) Holds himself or herself out for hire to serve as an agent for any
person who has money to lend, if the loan is or will be secured by a lien on
real property;

(c) Holds himself or herself out as being able to make loans secured by
liens on real property;

(d) Holds himself or herself out as being able to buy or sell notes
secured by liens on real property; or

1 (e) Offers for sale in this State any security which is exempt from
2 registration under state or federal law and purports to make investments in
promissory notes secured by liens on real property.

3 2. The term includes a wholesale lender.

4 6. The Division's investigation specifically found the following:

5 a. PAO LAN JARJABKA and GREGORY RONALD THOMPSON are natural
6 persons and are married to one another and live at 6320 Silver Edge Street, Las Vegas Nevada, 89031.

7 b. PAO LAN JARJABKA and/or GREGORY RONALD THOMPSON formed a
8 Trust, PAO LAN JARJABKA REVOCABLE LIVING TRUST dated December 23, 2005.

9 c. Neither PAO LAN JARJABKA nor GREGORY RONALD THOMPSON are
10 currently nor have either of them at any time relevant to this matter been licensed as a mortgage loan
originator or mortgage company in Nevada pursuant to NRS 645B.900.

11 d. Neither PAO LAN JARJABKA nor GREGORY RONALD THOMPSON are
12 exempt from NRS 645B.900 pursuant to NRS 645B.015.

13 e. On or about July 29, 2019, the Division became aware of facts indicating that the
14 Respondents were engaged in activity requiring licensure under the Statute. In particular, the Division
15 received a Complaint alleging, among other things, that Respondents were involved in unlicensed lending
16 and were funding loans in Nevada.

17 f. On or about December 6, 2019, the Division's investigator sent a letter to
18 Respondents requesting a response to the complaint, specifically as to the mortgage lending activities
19 they've conducted in Nevada.

20 g. On or about December 26, 2019, Respondents provided a written response.

21 h. On or about December 31, 2019, the Division's investigators conducted a phone
22 conference with Respondent PAO LAN JARJABKA.

23 i. On or about January 16, 2020, the Division's investigators met in person with
24 Respondent PAO LAN JARJABKA. Respondent GREGORY RONALD THOMPSON was not present.
25 Respondent PAO LAN JARJABKA provided Deeds of Trust and a printout of servicing records. There
26 was a total of six (6) loans in her portfolio at that time.

27 j. On or about February 3, 2020, the Division issued a subpoena to WFG National
28 Title Insurance Company and Lawyers Title of Nevada to obtain copies of title files and disbursement

1 records for the loans funded by respondents. The Division received a response from WFG National Title
2 Insurance Company on or about February 12, 2020. The Division received a response from Fidelity
3 National Law Group, this company handles subpoenas for Lawyers Title of Nevada, on or about February
4 24, 2020.

5 k. After the review of both responses to the subpoenas and additional information
6 gathered during the investigation, the Division found title documents that confirm that both PAO LAN
7 JARJABKA and GREGORY RONALD THOMPSON, husband and wife, have acted in the capacity of
8 a mortgage company as both individuals and under the PAO LAN JARJABKA REVOCABLE LIVING
9 TRUST dated December 23, 2005 on the following properties:

- 10 i. 2014 Sunrise Avenue, Las Vegas NV 89101
- 11 ii. 1249 Hassell Avenue, Las Vegas NV 89106
- 12 iii. 2311 Mesquite Avenue, Las Vegas NV 89101
- 13 iv. 721 N. 1st Street, Las Vegas NV 89101
- 14 v. 2012 Monterey Avenue, Las Vegas NV 89104
- 15 vi. 2134 Stewart Avenue, Las Vegas NV 89101
- 16 vii. 1555 Serenada Avenue, Las Vegas NV 89169
- 17 viii. 1324 S. Eastern Blvd., Las Vegas, NV 89104 (DOT only)
- 18 ix. 1713 Griffith Avenue, Las Vegas, NV 89104 (Final Hud only)

19 l. The Clark County Recorder's website confirms that Respondents have been lending
20 money on real property in the state of Nevada since 2013. During the January 16, 2020 face to face
21 meeting, Respondent PAO LAN JARJABKA stated that all lending had ceased, however according to the
22 public records and subpoenaed documents she continued to conduct lending into 2020.

23 7. RESPONDENTS engaged in activities and conduct which require licensure as a mortgage
24 broker under the Statute and are not exempt from licensure under the Statute.

25 8. Any finding of fact that may be deemed a conclusion of law shall be so construed.

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1 **CONCLUSIONS OF LAW**

2 9. Unless otherwise exempt, it is a violation of NRS 645B.900 for any person to offer or
3 provide any of the services of a mortgage broker or mortgage agent or to engage in, carry on, or
4 otherwise hold himself or herself out as engaging in or carrying on the business of a mortgage broker or
5 mortgage agent without first obtaining the applicable license issued pursuant to the Statute.

6 10. Neither PAO LAN JARJABKA nor GREGORY RONALD THOMPSON are exempt
7 from NRS 645B.900 pursuant to NRS 645B.015.

8 11. RESPONDENTS are in violation of NRS 645B.900.

9 12. NAC 645B.515 vests in the Commissioner the authority to order a person engaging in
10 activity in violation of the Statute or the Regulation to immediately cease and desist from engaging in
11 the activity.

12 13. NRS 645B.690(1)(a) allows the Commissioner to impose an administrative fine of not
13 more than \$50,000.00, per violation, on a person that offers or provides any of the services of a mortgage
14 loan originator or mortgage company, or otherwise engages in, carries on or holds himself or herself out
15 as engaging in or carrying on the business of a mortgage loan originator or mortgage company and, at
16 the time the person was required to have a license pursuant to the Statute and the person did not have
17 such a license.

18 14. Any conclusion of law that may be deemed a finding of fact shall be so construed.

19 **III.**

20 **ORDER**

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22 The Commissioner having formed the opinion based upon the foregoing, that RESPONDENTS
23 have been or are engaged in unlicensed activities in violation of the Statute, and concluded and
24 determined that RESPONDENTS should be ordered to: 1) cease and desist from engaging in any activity
25 requiring licensure under NRS 645B; 2) pay an administrative fine; and 3) pay the Division's
26 investigative costs.

27 NOW THEREFORE IT IS ORDERED that RESPONDENTS PAO LAN JARJABKA,
28 GREGORY RONALD THOMPSON, and PAO LAN JARJABKA REVOCABLE LIVING TRUST dated

1 December 23, 2005 shall immediately CEASE AND DESIST from advertising, engaging in, or otherwise
2 carrying on or holding themselves out as engaging in or carrying on any activities that require licensure
3 as a mortgage broker under the Statute.

4 IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of \$46,000.00
5 shall be and hereby is imposed, jointly and severally, on RESPONDENTS PAO LAN JARJABKA,
6 GREGORY RONALD THOMPSON, and PAO LAN JARJABKA REVOCABLE LIVING TRUST dated
7 December 23, 2005, in accordance with NRS 645B.690(1)(a). The ADMINISTRATIVE FINE shall be
8 due and payable on the 30th day following the effective date of this Order and shall be tendered to the
9 Division in accordance with the attached wire transfer instructions.
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11 IT IS FURTHER ORDERED that RESPONDENTS shall be and hereby are assessed, jointly and
12 severally, on RESPONDENTS PAO LAN JARJABKA, GREGORY RONALD THOMPSON, and PAO
13 LAN JARJABKA REVOCABLE LIVING TRUST dated December 23, 2005, the Division's
14 INVESTIGATIVE COSTS in the amount of \$4,080.00, in accordance with NRS 645B.070(3). The
15 INVESTIGATIVE COSTS shall be due and payable on the 30th day following the effective date of this
16 Order and shall be tendered to the Division with the ADMINISTRATIVE FINE in accordance with the
17 attached wire transfer instructions.
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19 IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter only
20 if RESPONDENTS timely request an administrative hearing in accordance with the instructions set forth
21 in Section IV of this Order entitled Notice of Opportunity for an Administrative Hearing. **If no**
22 **administrative hearing is requested within 30 calendar days of the effective date of this ORDER,**
23 **RESPONDENTS shall be deemed to have waived and relinquished the right to an administrative**
24 **hearing in this matter and a FINAL ORDER shall be issued in this matter.**

25 IT IS FURTHER ORDERED that this Order shall be and is effective and enforceable on the date
26 that it is issued and entered, as shown in the caption hereof.
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1 IT IS FURTHER ORDERED that this Order shall remain effective and enforceable until
2 terminated, modified, set aside, or suspended in writing by the Commissioner.

3 IT IS FURTHER ORDERED that the Commissioner specifically retains jurisdiction over the
4 matters contained herein and has the authority to issue such further order(s) as the Commissioner shall
5 deem just, necessary, and appropriate to enforce NRS 645B and NAC 645B and protect the public.

6 IT IS SO ORDERED.

7
8 DIVISION OF MORTGAGE LENDING

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10 By: 
Cathy Sheehy, Commissioner

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12 **IV.**

13 **NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING**

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

16 **NAC 645B.515 Orders to cease and desist from certain activities.**

17 1. If a person engages in an activity in violation of the provisions of this chapter or chapter
18 645B of NRS, the Commissioner may issue an order to the person directing the person to cease
19 and desist from engaging in the activity.

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21 2. The order to cease and desist must be in writing and must state that, in the opinion of the
22 Commissioner, the person has engaged in an activity:

23 (a) For which the person has not received a license or certificate of exemption as required by
24 chapter 645B of NRS; or

25 (b) In a manner that violates the provisions of this chapter or chapter 645B of NRS.

26 3. A person who receives an order to cease and desist pursuant to this section shall not engage
27 in any activity governed by chapter 645B of NRS after receiving the order unless the order is
28 suspended or rescinded.

1 4. Not later than 30 calendar days after receiving an order pursuant to this section, the person
2 who receives the order may file a verified petition with the Commissioner to request a hearing.
3 Upon receipt of the verified petition, the Commissioner may, for good cause shown, suspend the
4 order pending the hearing. The Commissioner will hold the hearing on a date not later than 30
5 calendar days after the date the petition is filed unless the Commissioner and the person agree to
6 another date. The order to cease and desist is rescinded if the Commissioner fails to:

7 (a) Hold a hearing:

8 (1) Not later than 30 calendar days after the date the petition is filed; or

9 (2) On a date agreed to by the Commissioner and the person; or

10 (b) Render a written decision within 45 days after the date the hearing is concluded.

11 5. The decision of the Commissioner after a hearing is a final decision of the Division for the
12 purposes of judicial review.
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16 **NRS 233B.121 Notice of hearing in contested case; contents of notice; representation by**
17 **counsel; opportunity to respond and present evidence and argument; fees and mileage for**
18 **witnesses; informal disposition; voluntary surrender of license in contested case deemed**
19 **disciplinary action; contents of record; transcriptions; findings of fact.**

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

22 2. The notice must include:

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

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

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

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

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

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

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

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

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

14 (a) All pleadings, motions and intermediate rulings.

15 (b) Evidence received or considered.

16 (c) A statement of matters officially noticed.

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

18 (e) Proposed findings and exceptions.

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

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

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

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

1 "Contested case" means a proceeding, including but not restricted to rate making and licensing,
2 in which the legal rights, duties or privileges of a party are required by law to be determined by
3 an agency after an opportunity for hearing, or in which an administrative penalty may be imposed.
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5 **If you wish to exercise your right to an opportunity for an administrative hearing, within**
6 **30 calendar days after receiving this Order, you must file a verified petition with the Commissioner**
7 **to request a hearing.**

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

9 Division of Mortgage Lending
10 Attn. Kelley Pacheco
11 3300 W. Sahara Avenue, Suite #285
12 Las Vegas, Nevada 89102

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