

1
2
3
4
5
6
7
8
9

**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:

DENNIS J. HUELBIG, Jr.
d/b/a NEW RESEARCH SERVICES,
Covered Service Provider License No. Unlicensed

Respondent.

Case No. 2021-003

10
11
12
13

**ORDER TO CEASE AND DESIST
AND
NOTICE OF INTENT TO ENTER ORDER IMPOSING
ADMINISTRATIVE FINES AND INVESTIGATIVE COSTS,
AND
NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING**

14
15
16

Issued and Entered,
This 7th day of April, 2021,
By Cathy Sheehy,
Commissioner

17
18
19
20
21
22
23

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 645F of the Nevada Revised Statutes, NRS 645F.010 *et seq.* (hereinafter, "NRS 645F" or "the Statute"), and Chapter 645F of the Nevada Administrative Code, NAC 645F.002 *et seq.* (hereinafter, "NAC 645F" or "the Regulation") (the Statute and Regulation are collectively, the "Act"), governing the licensing and conduct of covered service providers and associated covered service providers doing business in the State of Nevada; and,

24
25
26

The Commissioner is statutorily vested with general supervisory power and control over all covered service providers and associated covered service providers doing business in the State of Nevada pursuant to the Statute and the Regulation; and,

27
28

Pursuant to that statutory authority and responsibility vested in the Commissioner, and in accordance with provisions of the Act and other applicable law, notice is hereby provided to DENNIS J. HUELBIG, JR., d/b/a NEW RESEARCH SERVICES ("RESPONDENT"), to cease any and all activity for which

1 licensure is required under the Act until such time as he has obtained a license from the Nevada Division of
2 Mortgage Lending (“the Division”).

3 I.

4 **FACTUAL AND LEGAL BASIS FOR CEASE AND DESIST ORDER AND**
5 **ADMINISTRATIVE FINE AND COSTS**

6 The Commissioner finds that there is sufficient factual basis and legal authority to warrant this
7 order as follows:

8 1. On or about January 5, 2018, RESPONDENT filed a complaint on behalf of a homeowner
9 against a Nevada mortgage servicer.

10 2. The Division subsequently opened an investigation regarding whether RESPONDENT
11 was performing unlicensed activity as a loan modification consultant.

12 3. The Division requested a response to the investigation from RESPONDENT.

13 4. Dated March 13, 2018, RESPONDENT provided a statement to the Division under
14 penalties of perjury denying he was conducting unlicensed activity and claiming damages in the amount
15 of \$1,750 as a result of the Division’s investigation.

16 5. RESPONDENT provided an Assignment of Claim from the homeowner to
17 RESPONDENT regarding claims against homeowner’s mortgage servicer.

18 6. The Division requested a detailed description of RESPONDENT’S business activities in
19 Nevada, including all advertising materials, but RESPONDENT failed to provide such information.

20 7. According to that certain Request for Mortgage Loan Estoppel and Authorization dated
21 June 27, 2017 sent by homeowners to their mortgage servicer, RESPONDENT was authorized to “discuss
22 any aspect of this loan” with mortgage servicer.

23 8. RESPONDENT made numerous contacts with the mortgage servicer to discuss the
24 mortgage loan, including with respect to a loan modification or forbearance.

25 9. The mortgage servicer reported being contacted by RESPONDENT more than five times.

26 10. The homeowner claimed they paid RESPONDENT \$3,000 to perform loan modification
27 services.

28 11. It is a “covered service” under NRS 645F.310 to contact a creditor on behalf of a

1 homeowner or to provide the services of a loan modification consultant by offering to perform, for
2 compensation, acts to obtain adjustment of the terms of the loan.

3 12. According to NRS 645F.365, a "loan modification consultant" means:

4 [A] person who, directly or indirectly, makes any solicitation, representation or offer to a
5 homeowner to perform for compensation, or who, for compensation, performs any act that
6 the person represents will adjust the terms of a mortgage loan in a manner not provided
7 for in the original or previously modified mortgage loan. Such an adjustment includes,
8 without limitation:

- 9 1. A change in the payment amount;
- 10 2. A change in the loan amount;
- 11 3. A loan forbearance;
- 12 4. A change in the loan maturity; and
- 13 5. A change in the interest rate.

14 13. A person performing any covered service for compensation is a "covered service provider"
15 (NAC 645F.025) and must be licensed as required by NAC 645F.200 and NRS 645F.390.

16 14. According to the Division's licensing records, at all times relevant to this matter,
17 RESPONDENT has not been licensed as a covered service provider.

18 15. NRS 645F.410 authorizes the Commissioner to impose an administrative penalty of not
19 more than \$25,000 on any person who violates the Act.

20 16. NAC 645F.835(3)(w) authorizes the Commissioner to impose an administrative fine of
21 not more than \$10,000.00 for each violation on a person who has offered or provided any services
22 prescribed under NRS 645F requiring licensure and the person did not have such a license at the time the
23 person engaged in the activities; and

24 17. NRS 645F.291 authorizes the Commissioner to impose investigative costs attributable to
25 an investigation of a person pursuant to NRS 645F.

26 18. Pursuant to NAC 645F.850, the Commissioner is authorized to order a person engaging
27 in activity in violation of NRS 645F to immediately cease and desist from engaging in the activity.

28 II.

ORDER TO CEASE AND DESIST AND NOTICE OF RIGHT TO HEARING THEREON

NAC 645F.850 authorizes the Commissioner to issue a cease and desist order, subject to the
right of RESPONDENT to request a hearing, as follows:

1 1. If a person engages in an activity in violation of the provisions of the Nevada Covered
2 Service Provider Regulations or chapter 645F of NRS or an order of the Commissioner,
the Commissioner may issue an order to the person directing the person to cease and desist
from engaging in the activity.

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

4 (a) For which the person has not received a license as required by the Nevada Covered
Service Provider Regulations or chapter 645F of NRS; or

5 (b) In a manner that violates the provisions of the Nevada Covered Service Provider
Regulations or chapter 645F of NRS or an order of the Commissioner.

6 3. A person who receives an order to cease and desist pursuant to this section shall not
engage in any activity governed by the Nevada Covered Service Provider Regulations or
chapter 645F of NRS after receiving the order unless the order is suspended or rescinded.

7 4. Not later than **20 calendar days** after receiving an order pursuant to this section, the
8 person who receives the order may file a verified petition with the Commissioner to
9 request a hearing. Upon receipt of the verified petition, the Commissioner may, for good
10 cause shown, suspend the order pending the hearing. The Commissioner will hold the
hearing on a date not later than 30 calendar days after the date the petition is filed unless
the Commissioner and the person agree to another date. The order to cease and desist is
rescinded if the Commissioner fails to:

11 (a) Hold a hearing:

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

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

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

15 5. The decision of the Commissioner after a hearing is a final decision of the
Commissioner for the purposes of judicial review.

16 It is hereby ordered that RESPONDENT shall CEASE AND DESIST engaging in any activity
17 governed by the Act after receiving this order unless and until this order is suspended or rescinded.

18 RESPONDENT is also hereby notified that, not later than 20 calendar days after receiving this
19 order, he may file a verified petition (in the form below) requesting a hearing in accordance with the
20 instructions set forth in Section V below.

21 III.

22 NOTICE OF INTENT TO ISSUE AND ENTER FINAL ORDER

23 IMPOSING ADMINISTRATIVE FINES,

24 AND REQUIRING PAYMENT OF INVESTIGATIVE COSTS

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

28 A. An administrative fine against RESPONDENT in the amount of \$25,000 for
violations of the Act as described herein;

B. Investigative costs against RESPONDENT in the total amount of \$2,580.

1 Prior to the issuance and entry of a final order, RESPONDENT is entitled to an opportunity for
2 an administrative hearing to contest this matter if RESPONDENT timely makes written application for
3 such hearing in accordance with the instructions set forth in Section V below.¹

4 IV.

5 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING
6 ON ASSESSMENT OF FINE AND INVESTIGATIVE FINE

7 In addition to NRS 645F and NAC 645F, NRS 233B is relevant to the hearing in this matter.

8 **NAC 645F.855 Notice of and hearing on certain orders of Commissioner;
9 entry of final order; appeal of final order taking disciplinary action. (NRS
10 645F.255, 645F.390)**

11 1. If the Commissioner enters an order taking any disciplinary action
12 against a person, denying a person's application for a license, denying a provider
13 the right to teach approved courses, denying the approval of a provider's course
14 or denying the right of an instructor of a provider to teach an approved course
15 or approved courses, the Commissioner will cause a written notice of the order
16 to be served personally or sent by certified mail or telegram to the person.

17 2. Unless a hearing has already been conducted concerning the matter, the
18 person, upon application, is entitled to a hearing. If the person does not make
19 such an application within 20 days after the date of the initial order, the
20 Commissioner will enter a final order concerning the matter.

21 3. A person may appeal a final order of the Commissioner taking any
22 disciplinary action against the person in accordance with the provisions
23 of chapter 233B of NRS that apply to a contested case.

24 ///

25 ///

26 ///

27 ¹ Unless Respondent timely requests an administrative hearing, the amounts set forth herein as the intended fines, costs, and
28 the other discipline set forth herein, shall become the discipline imposed by the Commissioner against 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.

V.

REQUESTING A HEARING

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


Division of Mortgage Lending
Attn. Kelley Pacheco
3300 West Sahara Avenue, Suite #285
Las Vegas, Nevada 89102

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

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By:


Cathy Sheehy, Commissioner /