

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

IN THE MATTER OF:

CASE NO. 2021-003

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

**ORDER DENYING
APPLICATION FOR
REHEARING**

Respondent.

WHEREAS, on September 14, 2021, Respondent Dennis J. Huelbig, Jr. d/b/a/ New Research Services' (collectively hereinafter "Huelbig" or "Respondent") filed an Objection and Exception to Administrative Order ("Objection") and an Application for Rehearing ("Application"); and

WHEREAS, on September 27, 2021, the Nevada Division of Mortgage Lending ("Division"), through its attorneys, Aaron D. Ford, Attorney General, by Matthew Feeley, Deputy Attorney General, filed its Opposition to Respondent's Application for Rehearing ("Opposition"); and

WHEREAS, on October 4, 2021, Respondent filed his Reply to Petitioner's Opposition to Respondent's Application for Rehearing.

NOW THEREFORE, the Application for Rehearing is DENIED. Respondent asserts without explanation that "due to circumstances beyond his control he was unable to physically attend" the hearing. This falls far short of establishing an acceptable reason for not attending the hearing, nor has Respondent attempted to establish such a reason previously. Respondent presents argument about neglect by counsel, of which there is none appearing for Respondent, and mistake of law, without articulating how either would apply in this action. For these reasons, the Application for Rehearing is DENIED.

DATED this 7th day of October 2021.

/s/ David R. Cassetty
DAVID R. CASSETTY
Hearing Officer

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Respondent.

This matter was duly set for hearing by notice dated August 3, 2021, for hearing on August 24, 2021. The Nevada Division of Mortgage Lending (the “Division”), through its attorneys, Aaron D. Ford, Attorney General, by Matthew Feeley, Deputy Attorney General, appeared at the hearing, and Respondent Dennis J. Huelbig, Jr. did not appear. The Division moved its exhibits into evidence without objection. The hearing then adjourned.

I. FINDINGS OF FACTS

1. On or about January 5, 2018, RESPONDENT Dennis J. Huelbig Jr. (“RESPONDENT”) filed a complaint on behalf of a homeowner, against a Nevada mortgage servicer.

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

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

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

5. RESPONDENT provided an Assignment of Claim from the homeowner to RESPONDENT regarding claims against homeowner’s mortgage servicer. The purported Assignment of Claim does not authorize RESPONDENT to negotiate on behalf of the assignor.

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

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

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

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

10. The homeowner claimed they paid RESPONDENT \$3,000 to perform loan modification services. RESPONDENT admitted to receiving \$1,866 from the homeowner in a document titled Answer to Administrative Agency at ¶ 12, filed in this action on April 26, 2021.

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

II. CONCLUSIONS OF LAW

1. It is a “covered service” under NRS 645F.310 to contact a creditor on behalf of a homeowner or to provide the services of a loan modification consultant by offering to perform, for compensation, acts to obtain adjustment of the terms of the loan.

2. According to NRS 645F.365, a “loan modification consultant” means:

[A] person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner to perform for compensation, or who, for compensation, performs any act that the person represents will adjust the terms of a mortgage loan in a manner not provided for in the original or previously modified mortgage loan.

Such an adjustment includes, without limitation:

1. A change in the payment amount;
2. A change in the loan amount;
3. A loan forbearance;
4. A change in the loan maturity; and
5. A change in the interest rate.

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

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

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

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

7. RESPONDENT is in violation of NRS 645F.390 and NAC 645F.200, which require licensure to engage in the loan modification activities he performed on behalf of the homeowner.

III. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that, the Final Order Imposing Administrative Fine of \$25,000 and Requiring the Payment of Investigative Costs in the amount of \$2,580 is AFFIRMED, and the Order to Cease and Desist, issued April 7, 2021, remains in force.

DATED this 30th day of August 2021.

/s/ David R. Cassetty

DAVID R. CASSETTY

Hearing Officer